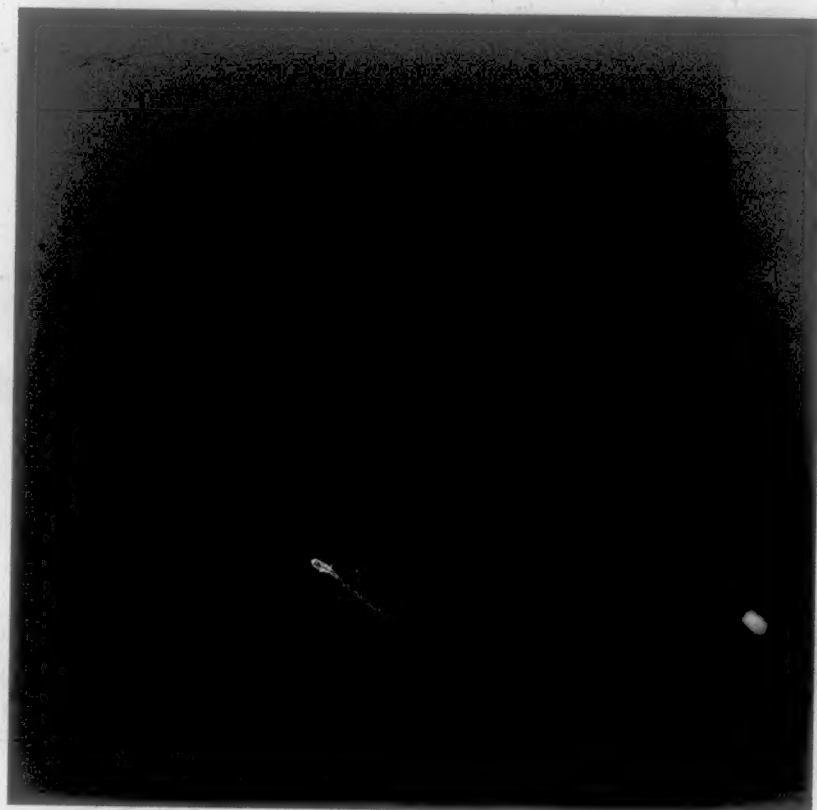
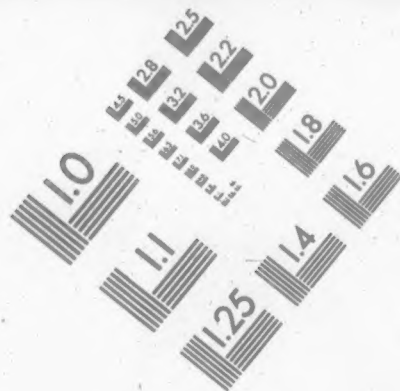
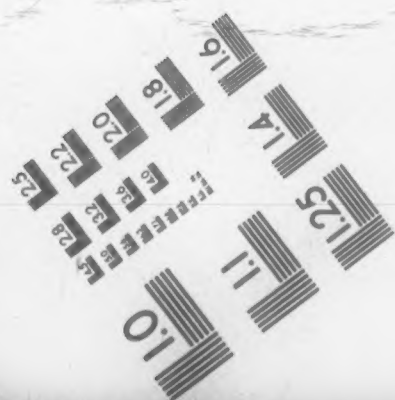
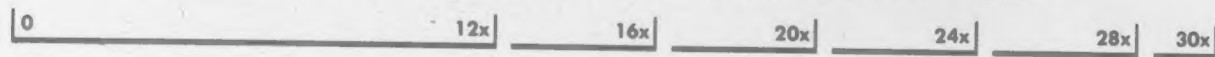


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 155

MISSISSIPPI CHOCTAW MCR 6311 - 6389

THE NATIONAL ARCHIVES
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WASHINGTON: 1983

Choctaw MCR 6311

Charlie A. Hilman

See MCR 934

MCR 6311

#6511.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. September 28, 1902.

In the matter of the application of Charlie A. Hilman for
the identification of himself as a Mississippi Choctaw.

Charlie A. Hilman, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Charlie A. Hilman.
Q What is your age? A Twenty-three.
Q What is your post office address? A Durant, I. T.
Q How long have you lived in Durant? A Since January 1901.
Q Where did you live before that? A In Texas.
Q Were you born in Texas? A No, my native home is in Louisiana.
Q Where in Louisiana? A Webster Parish.
Q From there where did you go? A To Texas in 1893.
Q Where did you live in Texas? A Principally in Dallas County.
Q Is your father living? A No.
Q Is your mother living? A Yes, sir.
Q Through which parent do you claim your Choctaw blood? A My father.
Q What was his name? A Asa A. Hilman.
Q What is your mother's name? A Maggie A. Tabor is her name now; she was married the second time.
Q How much Choctaw blood do you claim? A Well, sir, I really don't know how much.
Q Do you know how much your father claimed? A I suppose, well-- I guess it was about one-fourth.
Q You don't know positively? A I do not, only what I have been taught.
Q What have you been taught was the quantity of Choctaw blood your father had? A I said about one-fourth.
Q You have been taught this by whom? A Different members of the family.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States in Indian Territory? A No, sir, I guess not.
Q Have you the proof of the marriage of your father and mother with you? A No, sir.
Q Do you remember where and when they were married? A In the lower part of Louisiana.
Q Do you know the date? A No, sir, I don't.

- Q Are you married? A No, sir.
- Q You claim for yourself alone? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of. I have some relatives who have made application to be identified as Mississippi Choctaws.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress approved June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Is this the first application of any kind you have made for citizenship in the Choctaw Nation to any authority whatever? A Yes, sir.
- Q You now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A I guess so, I don't know as I thoroughly understand that or not.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, and was concluded on the 27th day of September of that year, 1830. The object of the treaty was to secure the consent of the Choctaw Indians to remove from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a large number of Choctaws would not go to the Indian Territory, but preferred to remain in the old Choctaw Nation in Mississippi and Alabama. In order to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation, article fourteen was drafted and inserted in the treaty for their special benefit. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Now that is article fourteen under which you are making this claim. Do you know whether any of your Choctaw ancestors complied

- or attempted to comply with the provisions of that article fourteen? A Some of them have been before the Dawes Commission.
- Q Well do you know whether any of your ancestors away back complied with article fourteen of that treaty or not? A I do not.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Phyllis Pitchlynn.
- Q What relation was she to you? A My great-grandmother.
- Q Whom did she marry? A Miller, I don't know his initials.
- Q Did you ever hear the initials? A I may have, but I don't know them now.
- Q You don't know whether she married William A. Miller? A I could not say.
- Q How much Choctaw blood did she have? A One-half breed.
- Q Did she live in Mississippi in 1830? A I could not say, I don't know.
- Q Who is William J. Miller? A Cousin of mine.
- Q He has been before the Commission? A Yes, sir.
- Q Do you want to refer to his case and have it made a part of your case? A Yes, sir.

The case of William J. Miller, M.C.R. 934, is here referred to for the purpose of consolidation.

- Q How old would your great-grandmother be if living now? A I don't know.
- Q Did she speak Choctaw language? A I don't know.
- Q When and where was she born? A I don't know.
- Q When and where did she die? A I don't know.
- Q Did she live in Mississippi in 1830 and have a family of children there at that time? A No, sir.
- Q You never heard that she lived in Alabama either? A I heard that she lived in Alabama.
- Q Did you ever hear that she lived there in 1830 and was the head of a family there at that time? A No, sir.
- Q Did you ever hear that she owned any land or claimed any land in Alabama in 1830 under article fourteen of the treaty of 1830? A I don't know.
- Q Did she own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know, I could not answer that.
- Q Did she, or any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent, and tell him that she wanted to stay in the old Choctaw Nation, to take land there and become a citizen of the states? A I don't know sir.
- Q You claim through your father do you? A Yes, sir.
- Q And he claims through whom? A His mother.
- Q What is the name of your grandmother, your father's mother? A I don't believe I can remember her name at present.
- Q Was she the daughter of Phyllis Pitchlynn? A Yes, sir, as far as I know.
- Q Can you give any other statement in reference to your ancestors living in the old Choctaw Nation and having complied with article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A I could not say.

Now the Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go within six months after the ratification thereof to Colonel Ward and tell him that they wanted to stay in the old Choctaw Nation, to take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward, the Indian Agent, neglected to put on his list, known as Ward's Register. This neglect on Colonel Ward's part caused a large number of the Choctaws to lose their lands in the old Choctaw Nation, upon which they had improvements, the government having taken both their land and improvements and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress approved March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act of Congress approved August 23rd, 1842, Congress appointed another Commission for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions appointed in 1837 and in 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land in the states of Mississippi, Alabama, Louisiana, or Arkansas? A I never heard.

This scrip was issued by act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their land in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any other evidence you want to present now? A Will it be necessary for me to be identified?
- Q Who is this man here? A He is a cousin of mine, William J. Miller.
- Q He made application on October 24, 1900, to be identified as a Mississippi Choctaw? A I don't know the date.

The records of the Commission show that William J. Miller made application before the commission to be identified as a Mississippi Choctaw on October 24th, 1900.

Applicant has the appearance and physical characteristics of being descended from white parentage; he has black hair, brown eyes, dark complexion; does not speak the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

--5--

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 26th day of September, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 10 day of October, 1902.

Chas. L. V. Emerson
Notary Public.

Miss Chootaw 6311.

Muskogee, Indian Territory, October 6, 1902.

Charlie A. Hilman,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage certificate between Asa A. Hilman and Maggie A. Thompson, which is offered in support of your application for identification as a Mississippi Chootaw, and the same has been filed with the record in this case.

Respectfully,

Acting Chairman.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6511.

ALLISON L. AYLESWORTH.
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Charlie A. Hilman,

Durant, Indian Territory.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R	984
Pearl Barnett, et al.,	M C R	3819
Cordelia Wheless, et al.,	M C R	3882
Emma Wheless,	M C R	3883
Austin Miller, et al.,	M C R	3881
Hattie Bettes, et al.,	M C R	4752
Carrie E. Alderson,	M C R	4938
Julia D. Alderson, et al.,	M C R	4937
Iva Moore, et al.,	M C R	4939
Lula Sims, et al.,	M C R	4943
Alice Teague, et al.,	M C R	4956
Lillian Arledge, et al.,	M C R	4957
Zella Arledge, et al.,	M C R	4961
Sarah Adams, et al.,	M C R	4955
Marvin H. Adams,	M C R	4962
Lena Broom, et al.,	M C R	4940
Nancy I. Locke, et al.,	M C R	4980
Nancy Daniel Locke Goodman,	M C R	4942
Richard H. Locke,	M C R	4933
John M. Locke, et al.,	M C R	4934
Mary Elizabeth Locke,	M C R	4938
Thomas Clay Locke, et al.,	M C R	4931
Edward J. McDade, et al.,	M C R	5878
Joseph L. McDade, et al.,	M C R	4958
Martha L. Platt, et al.,	M C R	4986
Mattie White, et al.,	M C R	4941
Orrin F. Platt,	M C R	4935
Alexander J. McDade, et al.,	M C R	4949
Exer Mand Gass, et al.,	M C R	4950
Leona T. McDade,	M C R	4945
Jerry S. Hilman, et al.,	M C R	5376
John F. Alford, et al.,	M C R	5874
Dorset E. Alford,	M C R	4944
John W. Hudson, et al.,	M C R	5375
Neal F. McDade, et al.,	M C R	5377
Patrick J. Barnett, et al.,	M C R	4947
Nona Belle Barnett,	M C R	4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Olliver Miller, Donna May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sandford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Olliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrich J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

MOR-6511

COPY

Muskogee, Indian Territory, April 18, 1907.

Charlie A. Hilman,

Durant, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED

James Bixby
Commissioner.

No. 1

For Identification as a Mississippi Choctaw

Date SEP 26 1902

Name Charlie A. Hilman

Age 23. Blood don't know.

Post Office, Durant, I. T.

Father: Asa A. Hilman, d.

Mother: Maggie A. Tabor, l.

Claims through father

~~Children:~~

Claims for sep
alone

P. B. Co.

Choctaw MCR 6312

Julia Compton

See MCR 934

MCR 6312

#3312.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
September 26, 1902. Muskogee, I.T.

In the matter of the application of Julia Compton for the identification of herself and her five minor children, Mary M., Mandie E., William E., Silas R. and Annie L. Compton, as Mississippi Choctaws.

Julia Compton, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Julia Compton.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Albany.
Q What state? A Choctaw Nation, Indian Territory.
Q How long have you lived at Albany? A I don't live there, that is my post office, I live at Chickasha.
Q How long have you lived in Indian Territory? A Ever since I was six years old.
Q Where were you born? A In Texas.
Q You lived there until you came to the Territory? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A William J. Miller.
Q What was your mother's name? A Mary Miller.
Q Mary Miller is not the name of your mother? A No, sir, that is his second wife.
Q Give me the name of his first wife? A Lapetite A. Miller.
Q Was she of French blood? A I could not hardly tell you.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A Well I don't know.
Q Your father in his application claimed to be one-fourth Choctaw. If he is one-fourth how much would you be? (No answer).
Q You would be one-half of that would you not? A Yes, sir.
Q Now one-half of one-fourth is one-eighth. Do you want to claim that quantity of Choctaw blood? A Yes, sir.
Q Or don't you know? A I don't know for sure.
Q Do you know whether your father is one-quarter Choctaw blood or not? A Well, not for sure I don't. We have always claimed the blood.
Q But you don't know anything about the quantity? A No, sir, I don't.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir, not that I knew of.

- Q He has made application October 24th, 1900, to be identified as a Mississippi Choctaw. Is that the only application he has ever made that you know about? A Yes, sir.
- Q Do you know when and where he was married? A He was married in Arkansas.
- Q Do you know what place in Arkansas? A I don't.
- Q Do you know when he was married? A No, sir.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A John Compton.
- Q Is he a white man and living? A Yes, sir.
- Q You make no claim for him? A No, sir.
- Q How many children have you under age and unmarried for whom you wish to make application? A Five.
- Q What is the name of the oldest? A Mary M. Compton.
- Q How old is Mary? A I have their ages here.
- Q This paper you gave me says she was born December 25, 1890, that would make her 12 years old? A Yes, sir.
- Q What is the name of the next? A Mandie E. Compton.
- Q How old is Mandie? A Nine years old.
- Q What is the next? A William E. Compton.
- Q How old is William? A Eight years old.
- Q What is the next? A Silas R. Compton.
- Q How old is Silas? A Four years old.
- Q What is the name of the next? A Annie L. Compton.
- Q How old is Annie? A Two years old.
- Q You claim for yourself and these children do you? A Yes, sir.
- Q Is John Compton the father of these children? A Yes, sir.
- Q Are you the mother? A Yes, sir.
- Q Are you and your husband living together at home and are these children living with you? A Yes, sir.
- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for your children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for your children to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q You now come before the Commission to identify yourself and your five children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Have either you or your children ever been admitted to Choctaw citizenship by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
- Q Do you understand article fourteen of the treaty of 1830? A I don't know as I do exactly.

This article fourteen was a clause or section which was put into the treaty of 1830, or the treaty of Dancing Rabbit Creek as it is sometimes called, for the special benefit of Mississippi Choctaw Indians who stayed back in the old Choctaw Nation after the treaty was ratified, that is Indians who refused to go to Indian Territory under the treaty. The purpose of the treaty was to secure the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi.

river to the Choctaw Nation Indian Territory. It became known that a great many Choctaws would not go to Indian Territory and in order to protect the interests of those who remained in the old Choctaw Nation, article fourteen was drafted and inserted in the treaty for their special benefit. The treaty was then signed, and afterwards ratified on the 24th day of February, 1831. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir, I don't.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A My grandfather.
- Q What Pitchlynn or what Miller do you claim through? A My grandfather, Jacob Miller.
- Q You claim through Jacob Miller, your father's father? A Yes, sir.
- Q How don't you know whether you claim back further than that or not? What is the name of Jacob Miller's mother? A I don't know.
- Q Did you ever hear of Susan Pitchlynn? A No, sir.
- Q Your father, in his application, gave the name of Jacob Miller's mother as Susan Pitchlynn. You don't know anything about that? A No, sir.
- Q Did you ever hear of Phyllis Pitchlynn who married a man by the name of Miller? A I heard her spoken of.
- Q Are you able to give one older ancestor, other than Jacob Miller, your father's father? A No, sir.
- Q What is Jacob Miller's wife's name? A Sintilla or Cintilla.
- Q How she had no Choctaw blood had she? A I don't know for sure.
- Q Do you know if Jacob Miller had any? A Well I don't know, we always claimed through grandfather.
- Q But you don't know whether he claimed through his father or mother or not? A No, sir.
- Q Do you know whether your grandfather, Jacob Miller, or any other Choctaw ancestor, owned or claimed any land in the old Choctaw Nation in 1830, and were the heads of families there at that time? A No, sir.

- Q Your father has made application to be identified as a Mississippi Choctaw has he not on October 24, 1900? A Yes, sir.
- Q Do you want to have his case referred to and made a part of your application? A Yes, sir.

The case of William J. Miller M.C.R. 934, is here referred to for the purpose of consolidation.

- Q Would you like to have the benefit of any other testimony that has been given by other relatives claiming through the same common ancestor as your father? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 go to Colonel Ward the Indian Agent and tell him they wanted to stay in the old Choctaw Nation, to take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A No, sir.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go within six months of the ratification thereof to Colonel Ward, the Indian Agent, and tell him that they wanted to remain in the old Choctaw Nation, to take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as Ward's Register. This neglect on Colonel Ward's part caused a great many Choctaws to lose their land in the old Choctaw Nation, upon which they had improvements, both having been taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act of Congress approved August 23rd of that year, another Commission was appointed which Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions appointed in 1837 or in 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I never heard.

Act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and it also appeared that he had had his land taken from him in the old Choctaw Nation by the government and sold at its public land sales, he was entitled to select land in place of that taken from him in the states of Missis-

issippi, Alabam, Louisiana or Arkansas and should be given a certificate to that effect. These certificates were called scrip.

- Q Do you know whether any of your Choctaw ancestors received any of this scrip from the government as Choctaw Indians? A No, sir, I do not.
- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything further you wish to say in support of your application? A No, sir.
- Q Your father is here before the Commission? A Yes, sir.
- Q Would you like to call him as a witness in your case? A Yes, sir.

Applicant has the appearance of being descended from white parentage; has dark brown hair, brown eyes, medium dark complexion; does not speak or understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 26th day of September, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 10 day of October, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6312.

Muskogee, Indian Territory, January 22, 1903.

Julia Compton,

Albany, Indian Territory.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5378
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Mand Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrich J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sandford Allen Wheless, Oliver Layfutte Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alun Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrich J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Noma Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are farther advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully, 

Tams Bixby.
Acting Chairman.

Registered.

MCD-6312

COPY

Muskogee, Indian Territory, April 18, 1907.

Julia Compton,
Albany, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Tams D. D. D.*
Commissioner.

No. 1
For Identification as a Mississippi Choctaw.

Date

Name Julia Compton

Age 29 Blood Don't know

Post Office Albany, L.I.

Father William J. Millet, C.

Mother La petite A. " d.

Claims through father.
Husband John Compton, C. W.
Hodani for husband

Children:

Mary M. Compton,	12
Maudie E. "	9
William E. "	8
Silas R. "	4
Annie L. "	2

Claims for self &
5 minors

Stenographer R. B. Ewing

Crocker MCR 6313

Mingo In-pun-nubbee

See MCR 6313, 1153

MCR 6313

in rubber
CANCEL

See mlo & card no. 6313

CANCELLED

1902 Record transferred
to mlo 1153 this date
by [illegible] of [illegible]
this date

DUPLICATION No. 6313

For Identification as a Mississippi Choctaw.

Date

SEP 26 1902

Name Mingo In-pun-nubbe

Age 71 — Blood full —

Post Office, South McAlester, I. T.

Father: Il-le-noah — d.

Mother: Sally or Pally, d.

Claims through father and mother,
Wife.

Betsy (dead) full
blood.

Children:

Applies for self
alone —

Stenographer R. B. Ewing —

Choctaw MCR 6314

William F. Pendleton

See MCR 762

MCR 6314

#6314.

DEPARTMENT OF THE INTERIOR/
Commission to the Five Civilized Tribes.
Muskogee, I. T. September 29, 1902.

In the matter of the application of William F. Pendleton for the identification of himself and his minor child, Leroy Pendleton as Mississippi Choctaws.

Appearance: Judge G. Ralls, Attorney for Applicant, represented by F. M. Bailey.

William F. Pendleton, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A William F. Pendleton.
Q What is your age? A Thirty-two.
Q What is your post office address? A Hynes, California.
Q How long have you lived at Hynes? A I lived at Hynes four years.
Q Where did you live before that? A Downey, California.
Q Where were you born? A In California.
Q Have you always lived there? A Yes, sir.
Q At what place in California were you born? A At Downey.
Q Is your father living? A Yes.
Q Is your mother living? A She is.
Q What is your father's name? A William H. Pendleton.
Q What is your mother's name? A Sarah C. Pendleton.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much do you claim? A 1/32.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A Not that I know of.
Q Are you married? A I am.
Q What is your wife's name? A Lula Pendleton.
Q Is she living? A Yes, sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q You make no claim for her? A No, sir.
Q You say you have one child? A Yes, sir.
Q What is its name? A Leroy Pendleton.
Q How old is he? A 8 years old.
Q Is Lula Pendleton the mother of Leroy? A No, sir.
Q What is the name of the mother of Leroy? A Maud.
Q Lula Pendleton is your second wife is she? A Yes, sir.
Q Is your first wife dead? A No, sir.
Q Were you divorced from her? A Yes, sir.

- Q Did you bring the divorce? A No, sir, she did.
- Q Were you given the custody of the child? A No, sir.
- Q Is it in her custody? A Yes, sir.
- Q Were you given the custody of the child by the Court or was there anything in the divorce proceedings providing for the custody of this child? A No, sir.
- Q You just simply gave the child to its mother? A Yes, sir.
- Q Where does it live now? A Whittier, California.
- Q Is Maud Pendleton married again? A No, sir.
- Q You say there was no provision in the decree of the Court in your divorce proceedings which gave her the custody of the child? A No, sir.
- Q And you never surrendered the custody of the child except to leave her keep it, and you claim the right, therefore, as the father, not having legally surrendered the custody, to make application for this child to-day? A Yes, sir.
- Q Is Maud Pendleton a white woman? A Yes, sir.
- Q This child claims no Choctaw blood through its mother? A No, sir.
- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for this child to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for this child to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you or has your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q This is the first application for citizenship in the Choctaw Nation you have ever made for yourself or for this child to any authority whatever? A Yes, sir.
- Q You came before the Commission now to identify yourself and this child as Mississippi Choctaws, do you not? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I do.
- Q Do you understand that article? A No, sir, not as I should.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek and is sometimes called the treaty of Dancing Rabbit Creek. It was concluded on the 27th day of September of that year, 1830. The object of the treaty was to remove as far as practicable all the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed, however, it became known that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory but preferred to remain in the old Choctaw Nation. In order to protect the interests of these Choctaws who stayed back there, article fourteen was drafted and put into the treaty. An article is subdivision or section or might be called a paragraph in a treaty. That article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

That is article fourteen under which you are now making this claim.

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I think so.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A George Tubbs.
- Q Did he have an Indian Name? A Pah-Tubbs.
- Q Was that his Indian name? A Yes, sir, I think so.
- Q What relation was George Tubbs to you? A I think he was my great great grand-father.
- Q How much Choctaw blood did he have? A One-fourth.
- Q Did he live in Mississippi or Alabama? A In Mississippi.
- Q Did he live there in 1830 and have a family of children living with him? A I could not say.
- Q Do you know whether he lived in Mississippi in 1830? A I think he did.
- Q But you don't know whether he was the head of a family or not at that time? A No, sir.
- Q Can you give the name of any of your Choctaw ancestors who lived in Mississippi in 1830 and was the head of a family there at that time? A No, sir, I cannot. My people before me--I come under the Ikard claim.
- Q Now you claim through your mother? A I do.
- Q And she had how much Choctaw blood? A $1/16$.
- Q And she claimed through which parent? A Her mother.
- Q What was her mother's full name? A Mary or Polly Tubbs.
- Q Was that her maiden name? A Yes.
- Q What was the name of her husband? A William C. Reynolds.
- Q How much Choctaw blood did she have? A $1/8$.
- Q And Mary or Polly Tubbs claimed through whom? A Her mother.
- Q And her mother's name was what? A Lydia Tubbs.
- Q What was Lydia Tubbs' husband's name? A I don't know.
- Q How much Choctaw blood did Lydia Tubbs have? A She was $1/4$.
- Q Well you said George Tubbs had one-fourth? A She was his daughter.

- Q You stated that your great great grand-father, George Tubbs, had one-quarter Choctaw blood and that you claim one-thirtysecond, and it appears from the testimony of your brother Jesse that George Tubbs was one-half Choctaw instead of one-fourth. What have you to say about that? A I have been thinking over it myself; Lydia Tubbs was one-quarter.
- Q George Tubbs then was one-half? A Yes, sir.
- Q And Lydia's daughter, Mary or Polly Tubbs, was one-eighth? A Yes, sir.
- Q And Mary or Polly Tubbs' daughter, Sarah C. Pendleton, is one-sixteenth? A Yes, sir.
- Q And yourself, the son of Sarah C. Pendleton, is one-thirty-second Choctaw? A Yes, sir.
- Q That is what you wish to testify to? A Yes, sir.
- Q Now did any of these Choctaw ancestors of yours live in Mississippi in 1830 and have families of children living with them there at that time? A Not that I know of.
- Q How old would George Tubbs be if living now? A I don't know I am sure.
- Q Do you know when and where he was born? A No, sir.
- Q Do you know when and where he died? A No, sir.
- Q You don't know whether his daughter, Lydia, lived there in 1830 and was the head of a family at that time? A No, sir.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the Indian Agent, Colonel Ward, and tell him that they wanted to stay in the old Choctaw Nation, to take lands there, and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in Indian Territory with the other Indians between the years 1833 and 1838? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go before Colonel Ward, the Indian Agent, within six months from the ratification of the treaty, and tell him that they wanted to stay in the old Choctaw Nation, to take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as Ward's Register. This neglect on the part of Colonel Ward caused a great many of the Choctaws who owned land in the old Choctaw Nation, upon which they had improvements, to lose both their lands and improvements, both having been taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, Congress appointed another Commission for the same purpose. This Commission also went to Mississippi

and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim land under article fourteen of the treaty of 1830? A I don't know whether any did or not.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I could not say.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had land in the old Choctaw Nation which was taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A I do not.
- Q What relation is Lafayette E. Ikard to you? A Well I suppose-- he is some relation, but I can't figure it out.
- Q What relation is Milton Ikard to you? A About a third cousin.
- Q These Ikards who claim through the same common ancestor as yourself are all relatives of yours, are they? A Yes, sir.
- Q Do you want to have their cases consolidated with yours? A Yes, sir.

The consolidated case of Lafayette E. Ikard, et al., M. C. R. 762, is here referred to for the purpose of consolidation.

Your case will be consolidated and considered under this case of Lafayette E. Ikard, and your case will have the advantage of the testimony given in all the applications of these other applicants claiming through the same common ancestor.

- Q Have you any other testimony you want to present or evidence that you desire to file now? A No, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair, brown mustache and dark brown whiskers; blue eyes; has no knowledge of the Choctaw language, and has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on September 29th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 30 day of September, 1902.

R. B. Eisenberg
Shy L. V. Emerson
Notary Public.

M C R 6314

Muskogee, Indian Territory, March 28, 1903.

J. C. Ball,

Attorney at Law,

Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing certified copy of marriage license and certificate between William E. Pendleton and Maud E. Hutchings offered in support of the application made by William F. Pendleton for the identification of himself and minor child as Mississippi Choctaws. The same will be transmitted to the Secretary of the Interior with the record in the consolidated Mississippi Choctaw case of Lafayette H. Hard, et al.

Respectfully,

Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECHINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6314

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

William F. Pondleton,
Hynes, California.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearste, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C.R. 5438
Hugh S. Moore, et al.	M. C.R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
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Robert E. Ikard	M. C. R. 4458
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Elisha F. Ikard	M. C. R. 779
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Eugene F. Ikard, et al.	M. C. R. 776
Suewilhe Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

—5—

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

James Dixby.

Chairman.

Registered.

M.O.R. 6314.

Muskogee, Indian Territory, May 1, 1908.

William F. Pendleton,

Hydes, California.

Dear Sir:

You are hereby notified that on the 19th day of April, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification of Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

SEP 29 1902

Name William F. Pendleton.

Age 32 - Blood 1/32 -

Post Office, Haynes, Cal.

Father: William H. Pendleton, l. w.

Mother: Sarah C. " l.

Claims through mother -

Wife, 2nd

Lula Pendleton, l. w.

No claim for wife.

Children:

Leroy Pendleton, ✓

Mother of Leroy is
Maud Pendleton (divorced)
(white woman)Claim for self
and one minor.

Stenographer

R. B. Ewing

Choctaw MCR 6315

Jesse C. Pendleton

See MCR 762

MCR 6315

#6316.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I.T. September 29, 1902.

In the matter of the application of Jesse C. Pendleton for the identification of himself and his two minor children, Beatrice I. and Gladys R. Pendleton, as Mississippi Choctaws.

Appearance: Judge B. Ralls, Attorney for Applicant, represented by F. M. Bailay.
Jesse C. Pendleton, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Jesse C. Pendleton.
Q What is your age? A Twenty-six.
Q What is your post office address? A #1319, Wilson Street, Los Angeles, California.
Q How long have you lived there? A Two years.
Q Where were you born? A Downey, California.
Q Have you always lived in California? A Yes.
Q Is your father living? A Yes.
Q Is your mother living? A Yes.
Q What is your father's name? A William H. Pendleton.
Q What is your mother's name? A Sarah C. Pendleton.
Q Do you claim through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A One-thirty second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A Not that I know of.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Octavia Pendleton.
Q Is she living? A Yes, sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q Do you make any claim for her? A No, sir.
Q What is the name of your oldest child, under age and unmarried, for whom you wish to make application? A Beatrice I. Pendleton.
Q How old is Beatrice? A Four years old.
Q What is the name of the next child? A Gladys R. Pendleton.
Q How old is Gladys? A Two years old.
Q Is that all the children you have? A Yes, sir.
Q Is Octavia the mother of these two children? A Yes, sir.
Q Are you and Octavia living together as husband and wife and are these children living with you at home? A Yes, sir.

- Q When and where were you married to your wife Octavia? A Azusa, California.
- Q When were you married to her? A Five years ago 10th of November.
- Q Were you married by a minister under a license? A Yes, sir.
- Q Have you the proof of that marriage here now? A No, sir.
- Q Is your name or the name of either of these children on the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory either for yourself or for these children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these children to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application for citizenship in the Choctaw Nation you have ever made, either for yourself or for your children, to any authority whatever? A Yes, sir.
- Q Have you ever been admitted to Choctaw citizenship or have your children ever been admitted to Choctaw citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court? A No, sir.
- Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Why no, sir, I don't.

This treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, and the treaty is sometimes called the treaty of Dancing Rabbit Creek. It was concluded on the 27th day of September of that year, 1830. The object of the treaty was to secure the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in Indian Territory. Before the treaty was signed, however, it became known that a large number of Choctaw Indians would not go to Indian Territory but wanted to remain in the old Choctaw Nation in Mississippi and Alabama. In order to protect the interests of these Choctaws who desired to stay in the old Choctaw Nation, article fourteen was drafted and put into the treaty for their special benefit. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty,

in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

That is article fourteen under which you are now claiming.

- Q Do you understand it well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A George Tubbs.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did George Tubbs have an Indian name? A I have heard it was Petty Tubbs, or something like that.
- Q Is it P-e-t-t-y? A I am not sure.
- Q What relation was George Tubbs to you? A My great great grandfather.
- Q How much Choctaw blood did he have? A One-fourth.
- Q You claim through your mother, Sarah C. Pendleton? A Yes, sir.
- Q And she had how much Choctaw blood? A One-sixteenth.
- Q She claims through her mother? A Yes, sir.
- Q What was her name? A Mary or Polly Moore.
- Q And she married whom? A William C. Reynolds.
- Q And she had how much Choctaw blood? A One-eighth.
- Q And she claimed through whom, her father or her mother? A Her mother--my grand-mother claimed through her mother.
- Q And her name was what? A Lydia Moore after she was married.
- Q What was her maiden name? A Tubbs.
- Q She had how much Choctaw blood? A She would be $1/8$ or $1/4$.
- Q Did Lydia claim through her father, George Tubbs? A Yes.
- Q Now you said he had one-fourth Choctaw blood, and you claim that Lydia had one-fourth; that would make George one-half? A I know George Tubbs was one-quarter breed.
- Q George Tubbs was one-quarter? A Yes, sir.
- Q He had a daughter, Lydia, who had one-eighth? A Yes, sir.
- Q Lydia had a daughter, Mary or Polly; she would be one-sixteenth? A Yes, sir.
- Q Now Mary or Polly had a daughter, Sarah? A Yes, sir, that's right.
- Q She would be one-thirty-second, and you, her son, would be one-sixty-fourth? (No answer).
- Q George Tubbs was your great great grandfather, as you have testified; if he was $1/4$ his daughter, Lydia, would be one-half of that. Was Lydia your great grand-mother? A My great great grand-mother.
- Q George Tubbs was your great great grandfather and Lydia was his daughter? A No, she would be my great grand-mother.
- Q Was Mary or Polly her daughter? A Yes, sir; she was my grand-mother.
- Q Sarah C. Pendleton was the daughter of Mary or Polly? A Yes, sir, my mother.

- Q Very well; now going back you claim George Tubbs was one-quarter?
A Yes.
- Q His daughter, Lydia, would be one-half of that which is one-eighth; her daughter Mary or Polly would be one-half of that which is one-sixteenth; her daughter, your mother, would be one-thirty-second, and you would be one-sixty-fourth? A I know where my mistake is. George Tubbs was one-half.
- Q Then you want to change your testimony to read that George Tubbs, your great great grand-father was one-half? A Yes.
- Q That his daughter Lydia was one-quarter? A Yes.
- Q That her daughter, Mary or Polly, was one-eighth? A Yes.
- Q That her daughter, Sarah, your mother, is one-sixteenth? A Yes.
- Q And that you are one-thirty-second? A Yes.
- Q Then your great great grand-father was one-half instead of one-fourth Choctaw? A Yes, sir.
- Q William F. Pendleton is your brother? A Yes.
- Q He made application before the Commission to-day and in his testimony made the same statement to the effect that his great great grand-father had one-fourth Choctaw blood. You are sure he was wrong about that? A Yes, sir.
- Q You are now positive that you are right? A Yes, sir.
- Q How old would George Tubbs be if living now? A I don't know.
- Q When and where was he born? A I don't know.
- Q When and where did he die? A I don't know.
- Q Did he ever live in Mississippi? A Yes.
- Q Did he live there in 1830 and was he the head of a family there at that time? A I don't know.
- Q Can you give the name of any Choctaw ancestor who lived in Mississippi in 1830 and was the head of a family there then? A I can't now.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent and tell him that they wanted to stay in the old Choctaw Nation, to take land there, and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A I don't know.
- Q Or at any other time? A I don't know.
- Q Did any of your Choctaw ancestors own improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go within six months of the ratification of that treaty, to Colonel Ward, the Indian Agent, and tell him that they wanted to remain in the old Choctaw Nation, to take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as Ward's register. His neglect to register the names of the Choctaws who appeared before him caused those Indians to lose their lands and improvements in the old Choctaw

Nation, both having been taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress, approved March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act of Congress approved August 23rd of that year, Congress appointed another Commission for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions appointed in 1837 and in 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land in the states of Mississippi, Alabama, Louisiana, or Arkansas? A I don't know.

This scrip was issued by act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their lands in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is Lafayette E. Ikard a relative of yours; also Milton Ikard and others who claim through the same common ancestor? A Yes, sir.
- Q Do you want to have your case consolidated with theirs? A Yes, sir.

The consolidated case of Lafayette E. Ikard, et al., M.C.R. 762, is here referred to for the purpose of consolidation, the claimants under the said consolidated case being descended through the same common ancestor as this applicant.

- Q Have you any other evidence you want to present now? A Not right at present.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair, blue eyes, medium fair complexion, does not speak or understand the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

R.B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 29th day of September, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause.

P. B. Eisenberg
Subscribed and sworn to before me on this 3 day of September, 1902.

Guy L. V. Emerson
Notary Public.

COMMISSIONERS
TAMM BIRBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6315

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

**Jesse C. Pendleton,
1319 Wilson Street,
Los Angeles, California.**

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearse, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. O. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
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Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
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William E. Stainback	M. C. R. 4831
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Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
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Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornelia Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Iylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Dixby.

Chairman.

Registered.

H.C.R. 6315.

Muskogee, Indian Territory, May 1, 1908.

Jesse G. Pendleton,
1319 Wilson St.,
Los Angeles, California.

Dear Sir:

You are hereby notified that on the 19th day of April, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette B. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1908.

Respectfully,

Chairman.

No. _____

of Identification as a Mississippi Choctaw.

Date

SEP 29 1902

Name *Jane C. Pendleton*

Age *26* — Blood *1/32*.

Post Office, *Los Angeles, Cal.*
1319 Wilcox St.

Father: *William H. Pendleton, l.*

Mother: *Sarah C., " l.*

Claims through *mother.*

Wife.

Cecilia Pendleton, l. w.

No claim for wife

Children:

Beatrice J. Pendleton, l.

Gladys R. " 22

*Claims for self
and 2 minors*

P. B. L. L.

Choctaw MCR 6316

Caswell A. Reynolds

See MCR 762

MCR 6316

#6316.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I.T. September 29, 1903.

In the matter of the application of Caswell A. Reynolds for the identification of himself as a Mississippi Choctaw.

Appearance: Judge G. Halls, Attorney for Applicant, represented by F. M. Bailey.

Caswell A. Reynolds, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Caswell A. Reynolds.
Q What is your age? A Forty-nine.
Q What is your post office address? A Hynes, Cal.
Q How long have you lived in Hynes? A Two years.
Q Where did you live before that? A Downey, Cal.
Q Were you born in Downey? A No, sir.
Q Where were you born? A In Arkansas.
Q Where in Arkansas? A Union County.
Q How long did you live there? A Until I was 13 years old.
Q From there where did you go? A To Alabama.
Q And from Alabama you went where? A To California.
Q How long have you lived there? A Thirty-two years.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A William C. Reynolds.
Q What was your mother's name? A Mary or Polly Reynolds.
Q Which parent do you claim through? A My mother.
Q How much Choctaw blood do you claim? A 1/16.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Sally Reynolds.
Q Is she living? A Yes, sir.
Q Is she a white woman? A Yes, sir.
Q You make no claim for your wife? A No, sir.
Q Have you any children for whom you want to make application? A No, sir.
Q You claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q You now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir, I don't believe I do.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek and was concluded on the 27th day of September of that year, 1830. The object of the treaty was to secure the removal of the Choctaw Indians so far as practicable to the Choctaw Nation Indian Territory from the old Choctaw Nation in Mississippi and Alabama. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory but wanted to remain in the old Choctaw Nation. In order to protect the interests of those Indians who wished to stay in the old Choctaw Nation, article fourteen was put into the treaty for their benefit. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, to adjoin the location of the parent, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q You understand that article now don't you? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A George Tubbs.
- Q Did he have an Indian name? A I don't know.
- Q What relation was he to you? A My great grand-father.
- Q How much Choctaw blood did he have? A One-half.

- Q Who is his descendant who is your ancestor? A Lydia Tubbs.
 Q And she had how much Choctaw blood? A One-fourth.
 Q Lydia Tubbs had a daughter? A Mary or Polly.
 Q How much Choctaw blood did she have? A One-eighth.
 Q Who did she marry? A William C. Reynolds.
 Q That is your father and Mary or Polly is your mother? A Yes.
 Q And therefore you claim one-sixteenth? A Yes, sir.
 Q What relation are William F., and Jesse C. Pendleton to you? A Nephews. Their mother is my sister.
 Q Their mother's name is Sarah C. Pendleton? A Yes, sir.
 Q How did George Tubbs live in Mississippi in 1830 and have a family of children living with him there at that time? A I don't know.
 Q Did you ever hear anything about that in the family? A I heard my mother speak about him living in Mississippi.
 Q As you understand it through her he did live in Mississippi in 1830? A Yes.
 Q But you do not know whether he had a family at that time or not? A I do not.
 Q Did you ever hear that any of your Choctaw ancestors lived in the old Choctaw Nation in 1830 and were the heads of families there? A No, sir.
 Q You don't know how old George Tubbs would be if living now? A No, sir.
 Q Do you know when and where he was born or when and where he died? A No, sir.
 Q Did he or any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know, sir.
 Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent, and tell him that they wanted to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
 Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A I don't know, I heard so.
 Q Can you give any information about that? A No, sir.
 Q Did any of them come to the Choctaw Nation Indian Territory recently from Mississippi? A I don't know, sir.
 Q Did any of your Choctaw ancestors own improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.

By act of Congress approved March 3rd, 1837, and by another approved August 23rd, 1842, Commissions were appointed by Congress, which commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions made lists of the claimants who appeared before them, respectively. These lists were forwarded to Washington and some of the applicants before the commissions were successful in obtaining their rights under article fourteen, while some were not. The reason these Commissions were appointed was because Colonel Ward failed to make proper registration of Choctaw Indians, who, under the requirements of article fourteen of the treaty of 1830, attempted to register before the Agent. Because a great number of the Choctaw Indians failed to get their names on Ward's list they lost their land in the old Choctaw Nation, upon which many of them had improvements,

the government having taken both their lands and improvements and sold them at its public land sales, and this caused numerous complaints on the part of the Choctaw Indians.

- Q Did any of your Choctaw ancestors go before either of these Commissions appointed in 1837 and in 1842 and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of them receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress, approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830 and who also proved that they had their lands in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Are you related to Lafayette H. Ikard? A Yes, sir.
- Q What relation is he to you? A Second cousin.
- Q Is Milton Ikard also related to you? A Yes, sir.
- Q Do you want your case consolidated with theirs and all other applicants claiming under the same common ancestor? A Yes, sir.

The consolidated base of Lafayette H. Ikard, et al., N. C. R. 762, is here referred to for the purpose of consolidation.

- Q Is there anything further you want to say, or have you any evidence you want to present at this time? A No, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair, blue eyes, medium fair complexion, does not speak or understand the Choctaw language, and has no knowledge of any written compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 29th day of September, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 3 day of September, 1902.

R. B. Eisenberg
Notary Public.

COMMISSIONERS
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6316

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Caswell A. Reynolds,

Hynes, California.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whippie, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
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Alma Cole Speer, et al.	M. C. R. 5140
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Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty. and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

Tamc Bixby.

Chairman.

Registered.

O.R. 6316.

Muskogee, Indian Territory, May 1, 1905.

Caswell A. Reynolds,
Hynes, California.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No. _____

For Identification as a Mississippi Choctaw.

Date

SEP 29 1902

Name *Caswell. A. Reynolds.*

Age *49* - Blood *1/16*

Post Office, *Hynes. Cal.*

Father: *William C. Reynolds, d.*

Mother: *Mary (or Polly) " d.*

Claims through *mother*

Wife,

Sally Reynolds. C.W.

No claim for wife,

Children:

Claims for self

A. A. E. E. E.

Choctaw MCR 6317

Tucker R. Tierce

See MCR 762

MCR 6317

#6317.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I.T. September 29, 1902.

In the matter of the application of Tucker R. Tierce for the identification of himself as a Mississippi Choctaw.

Tucker R. Tierce, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Tucker R. Tierce.
Q What is your age? A Thirty-one.
Q What is your post office address? Downey, California.
Q How long have you lived at Downey? A All my life.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Tucker R. Tierce.
Q What is your mother's name? A Sarah E. Porter.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No, sir.
Q Are you married? A No, sir.
Q Do you claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
Q Is this the first application of any kind you have made for citizenship in the Choctaw Nation to any authority whatever? A Yes, sir.
Q You now come before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand article fourteen of that treaty? A No, sir.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, and was concluded on the 27th day of September, 1830. The object of the treaty was to secure the consent of the Choctaw Indians, as far as practicable, to remove from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to Indian Territory but preferred to remain in the old Choctaw Nation east of the Mississippi river. In order to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty for their special benefit. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you understand that article? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A George Tubbs.
- Q What was his Indian name? A I don't know.
- Q What relation was he to you? A My great great grand-father.
- Q How much Choctaw blood did he have? A One-half.
- Q Did he or any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know.
- Q How old would he be if living now? A I don't know.
- Q When and where was he born? A I don't know.
- Q When and where did he die? A I don't know.
- Q Did he live in Mississippi at any time? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors lived in Mississippi in 1830 and were the heads of families there at that time? A I have heard they did.
- Q Was George Tubbs the head of a family in Mississippi in 1830? A I have heard so.
- Q He did not live in Alabama? A I don't know.
- Q Do you know the name of his wife? A No, sir.

- Q Did he or any of your ancestors, within six months after the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent, and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them own improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A Yes, sir.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go before Colonel Ward, the Indian Agent, within six months after the ratification of the treaty, and tell him that they wanted to stay in the old Choctaw Nation east of the Mississippi river, to take lands there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as Ward's Register. His neglect to register the names of those Indians who appeared before him caused many of them to lose their lands in the Choctaw Nation, upon which some of them had improvements, the government having taken both their lands and improvements and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd, of that year, Congress appointed another Commission for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions appointed in 1837 and in 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the United States government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued by act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had had their lands in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything further you want to say in support of this claim? A I don't know of anything.

- Q Have you any evidence you want to present? A I have none with me.
- Q Are you related to Lafayette E. Ikard and Milton Ikard? A Yes, sir.
- Q Do you want your case consolidated with theirs and all other applicants claiming through the same common ancestor? A Yes, sir.

The consolidated case of Lafayette E. Ikard, et al., N.C.R. 762, is here referred to for the purpose of consolidation.

Applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair, nearly black, redish brown mustache, brown eyes, ruddy complexion, does not speak or understand the Chectaw language and has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled case, taken on the 29th day of September, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 30 day of September, 1902.

Guy L. V. Emerson
Notary Public.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECHINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6317

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Tucker R. Tierce,

Downey, California.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred I. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Aline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

—5—

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Chairman.

M.C.R. 6517

Muskogee, Indian Territory, May 1, 1905.

Tucker R. Tierce,

Downey, California.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al. of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

SEP 29 1902

Name *Tucker R. Tierce,*

Age *31* Blood *1/32,*

Post Office, *Wouney,* Cal.

Father: *Tucker R. Tierce,* d

Mother: *Sarah E. Potter,* l

Claims through *mother*

~~Children:~~

*Claims for sep
alone.*

Stenographer

R B Ewing

Choctaw MCR 6318

Louie T. Pendleton

See MCR 762

MCR 6318

#318.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. September 29, 1902.

In the matter of the application of Louis T. Pendleton
for the identification of himself and his minor child, Ruth L. Pen-
dleton, as Mississippi Choctaws.

Appearance: F. M. Bailey, representing J. G. Ralls, attor-
ney for the applicant.

Louis T. Pendleton, being first duly sworn, testified as fol-
lows:

Examination by the Commission:

- Q What is your name? A Louis T. Pendleton.
Q What is your age? A Twenty-four.
Q What is your post office address? A #2018, Hunter Street, Los
Angeles, California.
Q How long have you lived there? A About three years.
Q Where were you born? A Downey, California.
Q Have you always lived in California? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A William H. Pendleton.
Q What is your mother's name? A Sarah C. Pendleton.
Q Through which parent do you claim your Choctaw blood? A My moth-
er.
Q How much Choctaw blood do you claim? A One thirty-second.
Q Has your mother ever been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by the Choctaw tribal au-
thorities or by the authorities of the United States in Indian
Territory? A Not that I know of.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Stella E. Pendleton.
Q Is she living? A Yes, sir.
Q Is she a white woman or a Choctaw Indian? A White woman.
Q Do you make any claim for your wife? A No.
Q Give me the name of your child for whom you wish to make applica-
tion? A Ruth L. Pendleton.
Q How old is Ruth? A About four years old.
Q Is that all the child you have? A Yes, sir.
Q Do you claim for yourself and this child? A Yes, sir.
Q Is your name or the name of this child on any of the tribal rolls
of the Choctaw Nation in Indian Territory? A Not that I know
of.

- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or your child to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for your child to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q This is the first application you have ever made for citizenship in the Choctaw Nation to any authority whatever? A Yes, sir.
- Q You now come before the Commission to identify yourself and your child as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, I do not.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek and was concluded on September 27th 1830. The object of the treaty was to secure the consent of the Choctaw Indians to remove from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a large number of the Choctaw Indians would not go to Indian Territory, but preferred to stay in the old Choctaw Nation. In order to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q How do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I could not say.
- Q Do you claim your right to be identified through George Tubbs? A Yes, sir.
- Q What was his Indian name if he had any? A I don't remember-- Fah Tubbs I guess it was.

- Q How do you spell Pah? A P-a-y I guess.
- Q How much Choctaw blood did George Tubbs have? A One-half.
- Q What relation was he to you? A My great great grand-father.
- Q What was his daughter's name through whom you claim? A Lydia.
- Q What was Lydia's daughter's name through whom you claim? A Mary or Polly.
- Q And what was her daughter's name? A Sarah C. Pendleton, my mother.
- Q Did any of these Choctaw ancestors of yours live in Mississippi in 1830 and the heads of families at that time? A I could not say.
- Q Can you give the names of any of your Choctaw ancestors who lived in Mississippi in 1830 and were the heads of families there at that time? A No, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory between the years 1833 and 1838 with the other Indians? A I could not say.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent, and tell him that they wanted to stay in the old Choctaw Nation, to take lands there and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I could not say.
- Q Did any of them own improvements on land in the old Choctaw Nation in 1830 or 1831? A Not to my knowledge.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of the treaty, to go to Colonel Ward, the Indian Agent, within six months after the ratification of that treaty, and tell him that they wanted to stay in the old Choctaw Nation, to take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put on his list, known as Ward's Register. This neglect on Colonel Ward's part caused a number of Choctaw Indians, who had land in the old Choctaw Nation, upon which they had improvements, to lose both their lands and improvements, both having been taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, Congress appointed a Commission, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by act of Congress approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of them receive any scrip from the United States government which entitled them to select lands in the states of Missis-

issippi, Alabama, Louisiana, or Arkansas? A No, sir.

This scrip was issued by act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their lands in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
Q Have you any documents or any other proof that you wish to present at this time? A No, sir.
Q You are related, are you not, to Lafayette E. Ikard? A Yes, sir.
Q You claim through the same common ancestor through whom he and others claim? A Yes, sir.
Q Do you wish your case consolidated with his? A Yes, sir.

The consolidated case of Lafayette E. Ikard, et al., M. C. R. 762, is here referred to for the purpose of consolidation.

Applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair, blue eyes, medium fair complexion, does not speak or understand the Choctaw language, and has no knowledge of any compliance on the part of any of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

----- 4

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 29th day of September, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 30 day of September, 1902.

Guy L. V. Emerson
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

70th C.B.
REFER IN REPLY TO THE FOLLOWING

M.C.R. 6318

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Louie T. Pendleton,
2015 Hunter Street,
Los Angeles, California.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty. and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

A handwritten signature in dark ink, appearing to be "J. H. Smith", written over a horizontal line.

Registered.

Chairman.

M.C.R. 6318

Maskogee, Indian Territory, May 1, 1903.

Louis T. Pendleton,

2015 Hunter St.,

Los Angeles, California.

Dear Sir:

You are hereby notified that on the 19th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette B. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No

For Identification as a Mississippi Choctaw.

Date

SEP 29 1902

Name ~~6278~~ Louis T. Pendleton.

Age 24

Blood 1/32

Post Office, Los Angeles, Cal

2015 Huntington St -

Father: William H. Pendleton, l.
Sarah C.

Mother: Candia l.

Claims through mother.

wife,

Stella E. Pendleton l. w.

No claim for wife -

Children:

Ruth L. Pendleton, &

Claims for prop
and one minor

Stenographer R. B. Ewing

Department of the Interior

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

REGISTERED
APR 24 1903
MUSKOGEE, IND. TER.

3856 1/2

Louie T. Pendleton,

201. Market Street,

Los Angeles, California.

cf m

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5-2 (m)

DEPARTMENT OF THE INTERIOR
COMM. ON THE PUBLIC LANDS
FILED

JUL 1 1903



CHAIRMAN

RECEIVED
APR 30
LOS ANGELES

Choctaw MCR 6319

Julius Watson

See MCR 762

MCR 6319

#6319.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. September 29, 1902.

In the matter of the application of Julius Watson for the identification of himself and his minor child, Amy C. Watson, as Mississippi Choctaws.

Appearance: F. M. Bailey, representing J. G. Ralls, attorney for the applicant.

Julius Watson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Julius Watson.
Q What is your age? A Twenty-nine.
Q What is your post office address? A Oak, Texas.
Q How long have you lived at Oak? A I was born and raised there.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? Francis M. Watson.
Q What is your mother's name? Elizabeth Watson.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One thirty-second.
Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A I don't know.
Q She never lived in the Territory? A No, sir.
Q Are you married? A No, sir, I have been.
Q You have a child? A Yes, sir.
Q Is your wife dead? A No, sir.
Q Were you divorced from her? A Yes, sir, the child is with her.
Q Is she the legal custodian of the child? A No, sir.
Q What is your wife's name? A Callie Watson.
Q Is she a white woman? A Yes, sir.
Q She is not living with you now? A No, sir.
Q Did you get the divorce or did she? A I got the divorce.
Q And the child is yours? A I have the custody but have not possession of it.
Q Were you given the legal custody by the court? A Yes, sir.
Q What is the child's name? A Amy C. Watson.
Q How old is Amy? A Eight years old.

- Q You claim for yourself and one child? A Yes, sir.
Q Is your divorced wife the mother of this child? A Yes, sir.
Q Are you the father? A Yes, sir.
Q And you have the custody of the child, given you by the court? A Yes, sir.
Q When and where were you married to your wife? A I can't give the day of the month. It was a little over nine years ago.
Q Have you the proof of your marriage with you? A No, sir, I have not.
Q Were you married by a minister under a license? A Yes, sir.
Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for this child to the Choctaw tribal authorities of Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for this child to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article? A I don't know.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek and was concluded on the 27th day of September of that year, 1830. The object of the treaty was to secure the removal of the Choctaw Indians from the Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory but preferred to stay in the old Choctaw Nation. In order to protect the interests of those Choctaws who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty for their special benefit. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the

family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q That is article fourteen. Do you think you understand it well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A George Tubbs.
- Q Did he or any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What relation is George Tubbs to you? A He was my great great grand father.
- Q How much Choctaw blood did he have? A One-half.
- Q Did he speak the Choctaw language and have an Indian name? A I don't know.
- Q When and where was he born? A I don't know.
- Q When and where did he die? A I don't know, sir.
- Q Did he live in Mississippi or Alabama in 1830 and was he the head of a family there at that time? A I don't know.
- Q You don't know whether he was the head of a family in the old Choctaw Nation in 1830 or not? A No, sir.
- Q Can you give me the name of an ancestor of yours who did live in the old Choctaw Nation in 1830 and was the head of a family there at that time? A No, sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in 1830 under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent, and tell him that they wanted to stay in the old Choctaw Nation, to take land there and become citizens of the states? A No, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A I don't know, sir.
- Q Did any of your Choctaw ancestors own improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of the treaty, to go within six months of the ratification thereof to Colonel Ward, the Indian Agent, and tell him they wanted to stay in the old Choctaw Nation, to take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as Ward's Register. This neglect on Colonel Ward's part caused a great many Choctaws to lose their land in the old Choctaw Nation, upon which many of them had improvements, the government having taken both their land and improvements and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved

March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved March August 23rd 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their land in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything further you want to say now or have you any evidence you wish to submit in support of this application? A I don't know as there is.
- Q You have no papers you wish to file? A No, sir.
- Q Have you any relatives who have been before the Commission to make application? A Yes, sir. Lafayette E. Ikard.
- Q You claim through the same common ancestor through whom he and others claim? A Yes, sir.
- Q Do you wish your case consolidated with his? A Yes, sir.

The consolidated case of Lafayette E. Ikard, et al., M.C.R. 762, is here referred to for the purpose of consolidation.

Applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair, brown eyes, dark complexion; does not understand the Choctaw language and has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 29th day of September, and that the foregoing is a full, true and correct copy of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 30 day of September, 1902.

R. B. Eisenberg
Guy L. Emerson
Notary Public.

Miss. Chootaw 6319.

Muskogee, Indian Territory, October 10, 1902.

T. J. Cole,

Waxahatchie, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 6, inclosing certified copy of marriage license and certificate between Julius Watson and Miss A. C. Watson, which is offered, in support of the application for identification as Mississippi Chootaws of Julius Watson, et al., and the same has been filed with the record in this case.

Respectfully,

Commissioner in Charge.

MISSISSIPPI
TAMM HARRY
THOMAS H. NICHOLS
FOR SECRETARY
W. H. HANLEY

ATTORNEY AT LAW
SENIOR

ALBANY, N.Y.
COMMISSIONER

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 6319

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

Julius Watson,

Oak, Texas.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearte, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Bursen, R. D. Bursen, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CCV:D

James Dixby.

Chairman.

Registered.

M.C.R. 6319

Muskogee, Indian Territory, May 1, 1905.

Julius Watson,

Oak, Texas.

Dear Sir:

You are hereby notified that on the 19th day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1905.

Respectfully,

Chairman.

Identification as a Mississippi Choctaw.

Date

SEP 29 1902

Name Julius Watson,

Age 29

Blood $\frac{1}{32}$

Post Office, Oak, Texas.

Father: Francis M. Watson, d.

Mother: Elizabeth " l.

Claims through mother —

Wife, Callie Watson, l. w.
(divorced);

Children:

Amy C. Watson, &

Claims for self
and one minor

Stenographer R. B. Eubanks

Choctaw MCR 6320

Bettie Cheves

See MCR 5574

MCR 6320

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, September 29, 1902.

In the matter of the application of Bettie Cheves for the identification of herself and her five minor children, Mary, Hamilton, Lewis, Freddie, and Johnnie Cheves, as Mississippi Choctaws:

Applicant represented by Thomas & Harrison, by W. M. Harrison.

Bettie Cheves being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Bettie Cheves.
Q Have you any middle initial? A No sir; well I have one but never use it. I just sign my name Bettie Cheves every time.
Q What is your age? A Thirty four.
Q What is your post office address? A Springfield, Missouri.
Q How long have you lived there? A Three months.
Q Where did you live before you lived in Springfield, Missouri?
A Mississippi.
Q Did you always live in Mississippi until you moved to Missouri?
A Yes sir.
Q Where were you born? A Well I was born in the country up near Booneville.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A William Furtick.
Q What was your mother's name? A Eliza.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A Not until now.
Q Has he ever been before the Commission? A Yes sir.
Q When did he appear before the Commission to be identified as a Mississippi Choctaw; do you remember? A No sir; it's been recently; I don't remember though.
Q Within a few months? A Yes sir.
Q And that's the only application he ever made for citizenship in the Choctaw nation? A Yes sir all that I know of.
Q Do you know when and where he was married? A In Mississippi.
Q Do you know the exact place? A No sir.
Q Was he married by a minister under a license? A I don't know sir.
Q Is your husband living? A Yes sir.
Q What is your husband's name? A J. W. Cheves.
Q Is he a Choctaw Indian or a white man? A He's a white man.
Q You don't make any claim for him? A No sir.
Q How many children have you that you want to make application for? A Five.
Q What is the name of the oldest? A Mary.
Q Mary Cheves? A Yes sir.
Q How old is Mary? A Seventeen.
Q The next? A Hamilton.
Q How old is Hamilton? A Fifteen.

- Q The next? A Lewis.
Q How old is Lewis? A Thirteen
Q The next? A Freddie.
Q How old is Freddie? A Eight.
Q Is that a boy? A No sir.
Q These others are boys; that is Hamilton and Lewis are?
A Yes sir and another boy Johnnie..
Q How old is Johnnie? A Six.
Q You claim for your self and five children do you? A Yes sir.
Q Is J. W. Cheves the father of these five children? A Yes sir
Q Are you and your husband living together as husband and wife and are these children all living with you at your house? A Yes sir
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
A I reckon not.
Q You never lived in the Indian Territory did you?
A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, A No sir.
Q Were you or your children ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830 and do you understand that article? A No I dont understand anything about it.
Q So you dont know whether you claim under that article or not.
A I claim just as William Furtick did.

The treaty of 1830 which was sometimes called the treaty of Dancing Rabbit Creek was made in Mississippi at a place called Dancing Rabbit Creek on the 27th day of September 1830.

A Uhuh.

This treaty was made between the government and the Indians for the purpose of removing the Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, but before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the provisions of the treaty and in order to protect the interests of those Indians who wanted to stay back there in the old Choctaw Nation article fourteen was put into the treaty of 1830; the treaty was then signed and later on became ratified on the 24th day of February 1830; that article fourteen of the treaty, the article which is of particular interest to you because you are making your claim under it now, (or you ought to be), is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months

from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that, do you think, well enough to make your claim under it; you understand the general intent do you not, of that article, which was to remove the Choctaw Indians or rather which was to protect the interests of those Choctaw Indians who wanted to stay back in the old Choctaw nation when the other Indians removed to the Choctaw Nation under the general provisions of the treaty; you understand that do you?

A Yes sir.

Q Well they could do so and at the same time they might afterwards have the rights of citizenship in the Choctaw Nation Indian territory and their descendants also would have the same rights; but those Indians who lived there at the time of the treaty and who did not comply with the general provisions of the treaty but did comply with article fourteen came particularly under the provisions of that article.

Q Now do you know if any of your Choctaw ancestors did----

A Yes sir my great great grandfather.

Q He did comply with article fourteen of the treaty did he?

A Yes sir. I want to tell you -- I married when I was thirteen years old and left all my people, and all I know is what was taught to me when I was a child and I've forgotten most of it.

Q You claim under your great great grandfather? A Yes sir.

Q What was his name. A His Indian name? She-ka-sky-o.

Q That was his Indian name? A Yes, all the name I know of.

Q Did you ever hear any other name? A No sir, not of his.

Q What was his wife's name? A I don't know.

Q How much Choctaw blood did She-ka-sky-o have? A I can't tell you that; I don't know.

Q How do you know he was your great grandfather? A I've been taught that by my father.

Q What was your father's name? A William Furtick.

Q He has made application before the Commission to be identified as a Mississippi Choctaw? A Yes sir.

Q And you want to have his testimony considered as a part of your own? A Yes sir.

Q Under the case of Alice Gardner et al? A Yes sir.

The case of William W. Furtick 3069 is here referred to by this applicant as the testimony given by her father, and also the case of Alice Gardner et al. M.C.R. 5574 is here referred to for the purpose of consolidation, the applicant in this case and all other cases consolidated under it, being applicants who claim through the same common ancestor through whom this applicant makes her claim.

- Q You dont know much of anything about Che-ka-kye - his Indian blood and his compliance with article fourteen of the treaty of 1830? A I dont know how much Indian blood; I cant tell you about that; I've heard he complied with article fourteen; that he complied but failed.
- Q Failed what.
- A Failed in his application or didn't carry it through or something but I know he didn't receive any; that's what I've been taught.
- Q What relation is Alice Gardner to you? A I dont know exactly.
- Q Do you know what relation she is to you? A Some distant cousin I reckon; I dont know.
- Q You claim through your father William Furtick; he had how much Choctaw blood? A I dont know.
- Q He claims through whom - his father or mother.
- A He claimed through his father.
- Q What was his father's name? A Henry Furtick.
- Q How much Choctaw blood did his father Henry have, your grandfather? A I dont know.
- Q Through whom does Henry Furtick claim his Choctaw blood.
- A Mary Modolena Furtick.
- Q Is that his mother? A That's my father's grandmother; my great grandmother.
- Q How about Che-ka-kye - you said he was your great grandfather.
- A He was Mary Modolena's father.
- Q What makes him your great great grandfather. A Yes he's my father's great grandfather; my great great grandfather?
- Q Did Mary Modolena marry George Furtick? A Yes sir.
- Q And which of her children is your ancestor. A Henry.
- Q And Henry's wife was named Caroline? A Yes sir.
- Q Which of their children was your ancestor? A William W. Furtick.
- Q That's your father? A Yes sir.
- Q Did he marry Eliza? A Yes sir.
- Q What was her maiden name? A Dean.
- Q Was that his first or second wife? A Second wife.
- Q Was Eliza your father's second wife? A Yes sir.
- Q What was the name of your father's first wife? A I do not know.
- Q The table of family genealogy filed with the principal case here of Alice Gardner shows that Eliza was your father's first wife and Sue C. Furtick was his second wife. A That's what I mean.
- Q Why dont you say what you mean? A I'm excited and nervous I guess.
- Q That's the way you want it is it - that your father William W. married Eliza first and that was your mother? A That was my mother.
- Q And after her death he married a woman named Sue C. Furtick.
- A Yes sir.
- Q Do you know what her maiden name was? A Calloway; I never saw her.
- Q There were several brothers and sisters in that family were there not? A In my family, yes sir.
- Q If I name them over would you recollect them? A I guess so.
- Q William C. Furtick? A Yes sir.
- Q He married Alice? A Alice Cheves.
- Q Jefferson D Furtick? A Yes sir.
- Q What was his wife's name? A Lucy Bailey.
- Q Frank M. Furtick? A Yes sir. Married Mollie Holmes.
- Q Louis D. Furtick? A Yes sir; married Baxter Holmes.
- Q What's the next one? A Callie Furtick.
- Q Whom did she marry? A Deering.
- Q Alexander Deering? A Yes sir.

- Q And you were the last one? A Yes sir.
- Q You have testified as to Mary Modelene who married George Furtick; she was the daughter of whom? A Che-ka-cho-o.
- Q You never heard that Che-ka-cho-o had an English name?
- A No sir.
- Q Whether his name was Fritz or Jack you don't know? A No sir.
- Q You don't know whom he married? A No sir.
- Q You don't know how much Choctaw blood he claimed? A No sir.
- Q You don't know whether he complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q You don't know anything about it. A I've been taught that he complied but failed.
- Q Can you give any other information except that you have been told by your father? A No sir.
- Q Can you tell in what manner he did comply with article fourteen?
- A No sir.
- Q Did he within six months after the ratification of the treaty of Dancing Rabbit Creek or the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him that he wanted to stay in Mississippi take land there and become a citizen of the states? A No sir I don't know anything more about it.
- Q Don't know anything about Colonel Ward? A No sir.
- Q I understood you to say a little while ago that he never got any land in Mississippi or Alabama? A No he didn't get any; I don't know why or anything about it.
- Q Do you know whether he got any and had it taken from him or whether he didn't get any at all. A No sir I don't know about that; it seems as well as I can remember -- I can't be positive --- but somehow he didn't get it; there's been something of that said; I don't know anything about it.
- Q Did Che-ka-cho-o live in Mississippi or Alabama? A Mississippi.
- Q Did he live there in 1830 and have a family of children living with him at that place and time? A I suppose so.
- Q Do you know where in Mississippi he lived in 1830 and '31?
- A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or forty? A Not that I know of.
- Q Did any of them own any improvements on land in that old Choctaw Nation east of the Mississippi river between 1830 or '31?
- A I don't know that either.
- Q You didn't get any information further in reference to your great great grandfather complying with article fourteen?
- A No sir; I can't tell you anything more.
- Q You can't say whether or not his name appears on Colonel Ward's Indian list? A No sir.
- Q Did you ever hear of Colonel George W. Martin who was the United States locating agent in Mississippi in the years following 1831. A It seems I've heard his name mentioned but I can't give any information about it.
- Q Did you ever hear of any land in Mississippi described as section sixteen township twenty six range five west; did you ever hear of any such land described and if so do you know where it was located and who it was held by?
- A No sir; if I had heard it I wouldn't know anything about it now..

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians under the treaty were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi take land there and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register and as a result of his neglect a great many Choctaw Indians who had land in the old Choctaw Nation upon which they had improvements had both their land and improvements taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3 of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another commission was appointed by act of Congress approved August 23 of that year; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of those commissions and claimed any benefits under article fourteen of that treaty? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know anything about.

This scrip was issued under act of Congress approved August 23 1842 and entitled the holder to select land in one of those four states to replace the land which the government had taken from them in the old Choctaw Nation and sold.

- Q Do you speak or understand the Choctaw language? A No sir; not much of any kind.
- Q Any questions Judge? A (By W. M. Harrison, Attorney for applicant) Yes sir.

Examination by W. M. Harrison attorney for applicant:

- Q You say Che-ma-ohy-o failed to get any benefits in the old Choctaw Nation? A Well I reckon he did; if he ever got anything I dont know.
- Q How was it he failed -- failed to get his land or failed to keep it after he got it? A I dont know.
- Q All you know about it----
- A All I know about it is what I've been told.
- Q----about what you have been testifying is through your father?
- A Of course I dont know only what I've been taught.
- Q Is what you have been told by members of your family? A Yes sir -- my father.
- Q From your family history and tradition? A Yes sir.

Examination by the Commission:

Bettie Cheves V

Examination by the Commission.

- Q Have you any relatives who are going to make application?
A Yes sir I guess so; Mr Gardner brought him up.

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This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair; brown eyes; medium dark complexion; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830 further than that she had heard her father say that her ancestor Che-Ka-ohy-o in some way complied with article fourteen of the treaty of 1830 but she does not know how or any of the particulars of said compliance.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of September 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 4th day of October 1902.

Gay L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 5, 1903.

Pattie Cheves,

Springfield, Missouri.

Dear Madam:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5574
Samuel H. Hunt, et al.	M.C.R. 4703
William F. Hunt, et al.	M.C.R. 4815
Hosekiah B. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John M. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5583
William G. Partick, et al.	M.C.R. 5571
Tandy L. Caver	M.C.R. 5572
Thomas S. Smith, et al.	M.C.R. 5582
John B. Everett, et al.	M.C.R. 5583
Ella Lewis, et al.	M.C.R. 5584
Willie Brewry	M.C.R. 5585
Charles J. Smith	M.C.R. 5586
Mary Jones, et al.	M.C.R. 5588
Will Yocum	M.C.R. 5589
John Yocum	M.C.R. 5590
William W. Partick	M.C.R. 5591
Jefferson D. Partick, et al.	M.C.R. 5592

Hettie Choves,--2

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 6597
George Jumper, et al.	M.C.R. 6236
Moses Jumper	M.C.R. 6237
Hettie Choves, et al.	M.C.R. 6320
George A. Everett	M.C.R. 6321

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to test and may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Belia E. Hunt, Samuel D. Hunt, Susan E. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Heseekiah E. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie E. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William G. Furtick, Clara Furtick, Sallie Furtick,

Bettie Cheves,—2

Pot Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Wena Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Elisa Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Mattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 15, 1903.

Bettie Cheves,

#1107 North Grant Street,
Springfield, Missouri.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th inst., relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws and in which you ask to be advised if it is necessary for you to employ an attorney to further prosecute your claim.

In reply you are informed that the Commission cannot advise you as to the employment of an attorney; matters of this kind are entirely within the discretion of applicants.

Respectfully,

Commissioner in Charge.

MCR-6320

Muskogee, Indian Territory, February 28, 1907.

Bettie Cheves,

Muskogee, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner,

For Identification as a Mississippi Choctaw.

Date

Name *Bettie Cheves.*

Age *34* Blood *Don't know*

Post Office, *Springfield, Mo.*

Father: *William Furtick. b.*

Mother *Eliza* .. *d*

Claims through *father*
Husband.

J. W. Cheves, l. w.
No claim for husband

Children:

<i>Mary Cheves,</i>	<i>17</i>
<i>Hamilton ..</i>	<i>15</i>
<i>Lewis ..</i>	<i>13</i>
<i>Fred die .. F.</i>	<i>8</i>
<i>Johnnie .. M</i>	<i>6</i>

Claims for self and
5 minors -

Stenographer Clara Mitchell Wood.

Choctaw MCR 6321

George A. Everett

See MCR 5574

MCR 6321

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, September 29, 1902.

In the matter of the application of George A. Everett
for identification as a Mississippi Choctaw.

Applicant represented by Thomas & Harrison, Attorneys at Law,
by W. M. Harrison.

George A. Everett being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George A Everett.
Q What is your age? A Twenty two.
Q What is your post office address? A Hatfield, Arkansas.
Q How long have you lived at Hatfield. A Three years.
Q Where were you born? A Missouri.
Q Where in Missouri? A Jefferson County?
Q From Missouri did you go to Arkansas? A Came to the Indian Territory first.
Q How long did you live in the Indian Territory? A About eight years.
Q How long have you lived in Arkansas? A Three years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Thomas Everett.
Q What was your mother's name? A Mary A. Everett.
Q Do you claim through your father or mother? A Mother.
Q Has she been dead long? A She's been dead four years.
Q How much Choctaw blood do you claim. A I don't know.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A No sir.
Q You claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Yes sir I think my name's been registered here.
Q You mean some body made application for you before the Commission as a Mississippi Choctaw? A No sir my father made application here for himself.
Q When was that? A It's been; I don't know; it's along this Spring some time.
Q He couldn't make application for you. A No he couldn't make application for me; he gave my name in.
Q He gave your name as a member of his family. Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made such application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

- Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before this Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir.
- Q Do you understand what a treaty is? A Well I would rather you would go over it.
- Q A treaty is an agreement in writing made between Nations; it's a contract or agreement; it's called a treaty because made between nations instead of between individuals or corporations or between a less distinguished body of men than that which comprise a nation.

A treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th of September 1830; this treaty was made between the United States government and the Choctaw Indians for the purpose of removing the Choctaw Indians as a nation from the old Choctaw nation which was partly in Mississippi and partly in Alabama to the Choctaw nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who stayed back there in the old Choctaw nation article fourteen was put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living within in ever ten years of age and a quarter section to such child as may be under ten years of age to assign the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes sir.
- Q Well enough to claim under it? A Yes sir. I think I understand it.
- Q Do you know whether any of your Choctaw ancestors did comply or attempt to comply with that article of that treaty or not.
- A I'm taught that my great great grandfather did.
- Q What was his name? A Che-ka-kye or something like that.
- Q How much Choctaw blood did Che-ka-kye have? A I don't know; I suppose he must have been a full blood from his name.
- Q What makes you think that - from his name? A It sounds like it.
- Q There's some of those Indian names belong to Indians who are not full bloods; do you know any other reason why you think he was a full blood? A No sir.

George A. Everett 3

- Q Did you ever hear how much Choctaw blood he had. A No sir.
- Q Do you know what his wife's name was? A No sir.
- Q You claim through your father do you? A No sir I claim through my mother.
- Q Through whom did your mother make her application? A Through her father.
- Q What was his name? A Smith - Charles C. Smith.
- Q Who married -- what was his wife's name? A What was her maiden name?
- Q What was her Christian name? A Lizzie Gift.
- Q Elizabeth was it? A Well they called her Lizzie and Elizabeth both.
- Q What was your father's name? A Thomas Everett.
- Q He married Mary Smith? A Yes sir.
- Q What was the name of the mother of Charles C. Smith? A Sallie Che-ka-ehy-e.
- Q What was the name of her husband? A Jack Smith.
- Q What do you know about your ancestor Che-ka-ehy-e having complied or attempted to comply with article fourteen of the treaty of 1830? A I'm taught that he located on the sixteenth section by George W. Martin and afterwards had to abandon it.
- Q Why did he abandon it? A Because it was school land.
- Q Who told you that now? A It's family history.
- Q Do you mean it's written out in some history, or do you mean it comes down as family tradition and history from members of the family? A I've just been told that by members of the family. I've heard my grandfather talk it.
- Q What was his name? A Charles C. Smith.
- Q Who else. A My mother and -- well, all of them.
- Q How long have they been telling you that you had a great great grandfather whose name was Che-ka-ehy-e and that he took land under article fourteen of the treaty of 1830 and that after having done that it was taken from him for school purposes.
- A I've heard about me having a great great grandfather by that name a long time and I don't remember just how long it's been; it's been every since I can remember.
- Q Can you give a description of that land? A It was section sixteen, township twenty six, range five.
- Q Is that all the description? A Yes sir.
- Q That's something to remember; how long have you known that?
- A I haven't known that very long.
- Q Who taught you that - Mr. Gardner ever here? A No sir.
- Q Well anyway you learned that from somebody - who told you that.
- A Well sir I learned it from my stepmother; she was a sister to my mother.
- Q Can you tell me anything more that you have heard other members of the family - as a matter of family history - say whether Che-ka-ehy-e went to Colonel Ward, the United States Indian agent and if he did go whether he went within six months after the ratification of the treaty of 1830, and if so, what he did when he went there and if he got any land in what part of Mississippi it was situated and all about it?
- A I haven't heard anything more than just what I've already told you.
- Q Did you hear with any positive degree of information that this great great grandfather went to Colonel Ward within six months after the ratification of the treaty of 1830? A Why I've been taught that he did go to him and complied with the treaty.
- Q That is he complied with the treaty by going to him? A Yes sir.
- Q As a result of that did he get his land? A No sir he didn't get his land.
- Q I understood Colonel Martin located the land. A He did locate but he didn't get to keep it.

- Q He got it then; if I couldn't keep a thing it must be supposed that I had it. A I suppose he got the land but didn't get to keep it.
- Q Who drove him off? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know whether they did or not.
- Q Did this land have improvements on it in 1830 do you know.
- A No sir.

The Indians who stayed back in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian Agent Colonel Ward within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register and his refusal to do this caused a good many Indians who had land in the old Choctaw Nation to lose both their land and improvements; the government took both and sold them at its public land sales; this caused a great many complaints among the Choctaw Indians and in 1837 by an act of Congress approved March 3 of that year a commission was appointed which commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; also in 1842 another commission was appointed by an act of Congress approved August 23 1842; this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits as Choctaw Indians under article fourteen of that treaty? A Not that I know of.
- Q Did you ever hear of Colonel Ward's registry list? A No sir; I don't think I did.
- Q Did you ever hear that Che-ka-ehyo- or any name of that sort appears upon Colonel Ward's register as a beneficiary under article fourteen of the treaty of 1830? A No sir I never heard that he ever went before Colonel Ward; I've heard he went before Martin.
- Q George W. Martin? A Yes sir.
- Q George W. Martin was the locating agent; is that the man you mean? A Yes sir.
- Q But you never heard of Colonel Ward? A No sir.
- Q You are a little bit mixed up about those names aren't you?
- A I expect I am.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I'm taught that they did not.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation and sold.

- Q What relation is Alice Gardner to you? A My aunt.

George A. Everett 8

- Q She has made application to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you want to have her case referred to and made a part of your own? A Yes sir.
Q Want it to be consolidated with hers? A Yes sir.

The case of Alice Gardner et al 5574 is here referred to for consolidation.

- Q Is there anything more you want to say now? A No sir.
Q Any questions Mr. Harrison? A (By W. M. Harrison, Attorney for applicant.) A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair brown eyes, medium dark complexion; does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of September 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 4th day of September 1902.

Guy L. V. Emerson
Notary Public.

F I N I S .

COPY

Muskogee, Indian Territory, January 5, 1903.

George A. Everett,

Hatfield, Arkansas.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

Alice Gardner, et al.	M.C.R. 5874
Samuel H. Hunt, et al.	M.C.R. 4702
William F. Hunt, et al.	M.C.R. 4815
Hesekiah H. Hunt, et al.	M.C.R. 4816
Virginia Jumper, et al.	M.C.R. 4817
John W. Jumper, et al.	M.C.R. 4818
Jennie I. Miller	M.C.R. 5575
Cassie Bates, et al.	M.C.R. 5576
Minnie Smith	M.C.R. 5577
John H. Smith	M.C.R. 5578
James G. Smith	M.C.R. 5579
Nancy Yocum, et al.	M.C.R. 5580
Philip Jumper, et al.	M.C.R. 5581
William C. Furtick, et al.	M.C.R. 5871
Tandy L. Gaver	M.C.R. 5872
Thomas G. Smith, et al.	M.C.R. 5882
John B. Everett, et al.	M.C.R. 5883
Ella Lewis, et al.	M.C.R. 5884
Willie Drowry	M.C.R. 5885
Charles J. Smith	M.C.R. 5886
Mary Jones, et al.	M.C.R. 5888
Will Yocum	M.C.R. 5889
John Yocum	M.C.R. 5890
William W. Furtick	M.C.R. 6069
Jefferson D. Furtick, et al.	M.C.R. 6070

George A. Everett,—2

Frank M. Furtick, et al.	M.C.R. 6071
Sallie Dearing, et al.	M.C.R. 6072
Eliza Michael, et al.	M.C.R. 6073
William A. Jumper	M.C.R. 6074
George A. Jumper, et al.	M.C.R. 6075
James A. Yates, et al.	M.C.R. 6076
Bill E. Yates, et al.	M.C.R. 6077
Frank Jumper	M.C.R. 6587
George Jumper, et al.	M.C.R. 6236
Mones Jumper	M.C.R. 6237
Bettie Onevas, et al.	M.C.R. 6380
George A. Everett	M.C.R. 6381

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver E. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William E. Hunt, Boyd E. Hunt, Ezekiah E. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John V. Jumper, Annie F. Jumper, Dug Jumper, Hattie E. Jumper, Dixon E. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Beenie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William G. Furtick, Clara Furtick, Sallie Furtick,

George A. Everett, — 8

Pet Furtiok, Ruth Furtiok, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drowry, Charles J. Smith, Mary Jones, Oussie Jones, Oraole Jones, Will Yocum, John Yocum, William W. Furtiok, Jefferson D. Furtiok, Jeffie Furtiok, Emma L. Furtiok, Eugenia Furtiok, Frank M. Furtiok, Annie Furtiok, Alice Furtiok, Louis Furtiok, Willie Furtiok, Mary Dearing, Jim Dearing, Alexander B. Dearing, Elsie Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettle Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the Treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED

Jams Bixby.
Acting Chairman.

MER-6321

Muskogee, Indian Territory, February 28, 1907.

George A. Everett,
Maud, Oklahoma.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 18, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 8, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

No

For Identification as a Mississippi Choctaw.

Date

SEP 29 1902

Name *George A. Everett*

Age *22*

Blood *Don't know*

Post Office, *Hotfield, Ark.*

Father: *Thomas Everett, d.*

Mother: *Mary A. " d.*

Claims through *mother.*

~~Children:~~

*Claims for such
alone*

Choctaw MCR 6322

Mollie Thompson

See MCR 4732

MCR 6322

#3322.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. September 30, 1902.

In the matter of the application of Mollie Thompson for the identification of herself and her five minor children, Ada A., Jesse S., Alonzo C., Abel P. and Ophelia M. Thompson, as Mississippi Choctaws.

Mollie Thompson, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Mollie Thompson.
Q What is your age? A Thirty-two.
Q What is your post office address? A Wapanuka, I. T.
Q How long have you lived there? A I cannot tell exactly how long-- less than five years.
Q Where did you live before that? A In Texas.
Q Where were you born? A In Texas.
Q Have you always lived there until you come to the Territory? A Yes.
Q What is your father's name? A Thomas S. Dove.
Q Is he living? A No, sir.
Q What is your mother's name? A Cynthia Dove.
Q Is she living? A No, sir.
Q Do you claim through your father? A Yes, sir.
Q How much Choctaw blood do you claim? A One-fourth.
Q Then you claim your father was one-half? A Yes, sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q Do you know when and where your father and mother were married? A I don't know when.
Q Do you know where they were married? A I believe in Robinson County, Texas.
Q Do you remember the day of the month and year of their marriage? A In 1869 I guess. I think they were married in 1869, I am not sure.
Q Have you the proof with you? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Alonzo J. Thompson.
Q He is now living? A Yes, sir.
Q Is he a white man? A He is not to say white. He has some Indian blood but I don't know what.
Q Is most of his blood white? A Yes.
Q Do you make any claim for him as a Choctaw Indian? A No, sir.
Q Have you any children you want to make application for? A Five.

- Q What is the name and age of the oldest? A Ada A. Thompson, 12 years old.
- Q The next? A Jesse S. Thompson (boy) 11 years old.
- Q The next? A Alonso C. Thompson, 9 years.
- Q The next? A Abel P. Thompson (boy) 6 years old.
- Q The next? A Ophelia M. Thompson, 3 years old.
- Q Is that all you have? A Yes, sir.
- Q You claim for yourself and these five children? A Yes, sir.
- Q Is Alonso A. Thompson the father of these children? A Yes, sir.
- Q And you are the mother? A Yes, sir.
- Q Are you and your husband living together and are these children all living with you at home? A Yes, sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these children to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you or any of your children been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q You now come before the Commission to identify yourself and these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A I think I do.

The treaty of 1830 was made between the United States and the Choctaw Tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, and was concluded on the 27th day of September, 1830. The object of the treaty was to secure the removal, so far as possible, of all the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a number of Choctaw Indians would not go to the Indian Territory but preferred to remain in the old Choctaw Nation. In order to protect the interests of these Choctaws who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty for their special benefit. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the

family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir, my grandfather died when my father was eight years old.
- Q What was your grandfather's name? A Dove.
- Q Is he the ancestor through whom you are claiming? A Yes.
- Q You don't remember his first name? A No, sir.
- Q That was your father's father? A Yes, sir.
- Q Can you go back any further and tell the name of your grandfather's father or mother? A No, sir, I know my grandmother married a Choctaw Indian.
- Q Did your grandfather Dove have any Choctaw blood? A He was a full blood.
- Q Your grandmother was a white woman was she? A Mixed blood I suppose.
- Q You are claiming through your grandfather Dove? A Yes, sir.
- Q Did he live in Mississippi or Alabama? A At Holly Springs, Mississippi.
- Q And was a full blood Indian? A Yes, sir.
- Q Did he live there in 1830? A About that time my grandmother claimed he came to Louisiana; my father was born in 1822.
- Q If your father was 8 years old in 1830 your grandfather Dove was the head of a family in Mississippi at that time? A Yes, sir.
- Q How did your grandfather within six months after the ratification of the treaty of 1830 go to Colonel Ward, the Indian Agent, and tell him that he wanted to stay in the old Choctaw Nation, take land there and become a citizen of the states? A I can't tell you?
- Q Did he claim any land or own any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did he own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I think not.
- Q How old would your grandfather be if living now? A He would be over 100 years old. I don't know how old he would be.
- Q Do you know when and where he was born or where and when he died? A He died about Holly Springs about 1830 I suppose.
- Q He died in 1830? A Yes, sir.
- Q Leaving his wife and your father? A Yes, sir.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to Colonel Ward, the Indian Agent, within six months after the ratification of the treaty, and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as Ward's Register. This neglect on the part of Colonel Ward caused a great many Choctaws to lose their land in the old Choctaw Nation, upon which they had improvements, the government having taken both their lands and improvements and sold them at its public land sales. This caused so many complaints

among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions appointed in 1837 and in 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in the states of Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830, and who also proved that they had had their lands taken from them in the old Choctaw Nation and sold by the government at its public land sales.

- Q Did you ever hear your grandfather called by any other name than Dove? A If I did I disremember.
- Q Did you ever hear that it was Edwards? A I don't remember. All I can remember I heard my father talking about him.
- Q Who was Elizabeth McGee? A That was my aunt, my father's sister.
- Q Her maiden name was Dove? A Yes.
- Q Elizabeth Dove married John Perry McGee? A Yes, sir.
- Q Then the name of her father was your grandfather Dove? A Yes.
- Q Do you remember the children she had? A Yes, sir, the living ones I do.
- Q Alice McGee married George Dumphrey and then William Schmidt? A Yes.
- Q Then there was another, Elijah? A Yes.
- Q Who did he marry? A Mollie Kersinger.
- Q You are not able to give the full name of your grandfather? A No, sir.
- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any evidence you want to present; any papers or documents or any witnesses you want to call? A No, sir.
- Q What relation is Minerva Allen to you? A Cousin.
- Q Do you want her case consolidated with yours? A Yes.

The case of Minerva Allen, M. C. R. 4732 is here referred to for the purpose of consolidation.

Applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair, brown eyes, features medium dark complexion; does not speak or understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

--8--

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 30th day of September, 1902, and that the foregoing is a true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 11 day of October, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

Muskogee, Indian Territory, April 14, 1903.

Mollie Thompson,

Wapamucka, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Minerva Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

Minerva Allen,	M C R 4732
Alice Schmidt, et al.,	M C R 3451
Elijah McGee, et al.,	M C R 3453
Mollie Thompson, et al.,	M C R 6322

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Minerva Allen, Alice Schmidt, Bessie Dumfrey, Willie Schmidt, Elijah McGee, May McGee, Eva McGee, Lee McGee, Mollie Thompson, Ada A. Thompson, Jesse S. Thompson, Alonzo C. Thompson, Abel P. Thompson and Ophelia M. Thompson as Choctaw Indians entitled to rights in the Choctaw

M T R

lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Bixler
Chairman.

Registered.

M C R 4322

COPY

Mustagee, Indian Territory, July 15, 1903.

Mollie Thompson,

Wapanucka, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Minerva Allen et al., of which decision you were advised by registered mail on the 14th day of April 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, July 21, 1903.

Mollie Thompson,

Coalgate, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask if you can bring witnesses before the Commission to testify in support of your claim.

In reply you are informed that it appears from our records that on September 30, 1902, you made application to this Commission for the identification of yourself and five minor children as Mississippi Choctaws.

On April 14, 1903, the Commission rendered its decision refusing your application, and on the same date you were notified by registered mail, at Wapanucka, Indian Territory, your last known post office address, of the decision of the Commission and that you would be allowed fifteen days from said date within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days heretofore allowed in this case expired on April 29, 1903. On April 30, 1903, the record in said case, together with the decision of the Commission refusing the application made by you for the identification of yourself and five minor

M T 2

children as Mississippi Choctaws, was forwarded to the Secretary of the Interior.

On June 18, 1903, the Secretary of the Interior approved the decision of the Commission refusing said application, of which departmental action you were notified on July 15, 1903.

The Commission now considers this case closed and cannot receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.

MCR 6322

COPI

Muskogee, Indian Territory, November 15, 1906.

Mollie Thompson,

Wapanucka, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 2, 1906, denied the petition filed in this office by Fred P. Branson, Attorney at Law, Muskogee, Indian Territory, under the Act of Congress approved April 26, 1906, (34 Stats., 137) to re-open and re-adjudicate the consolidated Mississippi Choctaw case of Minerva Allen, et al.

Respectfully,

Wm. D. Dwyer
Commissioner.

No. _____
For Identification as a Mississippi Choctaw.

Date

SEP 30 1891

Name *Mollie T. Thompson,*

Age *32*

Blood *1/4*

Post Office, *Wapanucka, I.T.*

Father: *Thomas J. ^{DOVE} ~~Robt~~, d*

Mother: *Cynthia " d*

Claims through *father, 1/2*

Husband.

Alonzo J. Thompson, C.W. and Ind.

No claim for husband -

Children:

Ada Ann Thompson 12

June S. " M 11

Alonzo C. " 9

Abel P. " 6

Ophelia M. " 3

*Claims for self and
5 minors*

Stenographer *R. B. Eisenberg*

Choctaw MCR 6323

Frank H. Love

See MCR 6324

MCR 6323

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Frank H. Love, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Frank H. Love, et al., M.C.R. 6323
Hattie Brown, et al., M.C.R. 6324

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of Willis Love to the Dawes Commission for the identification of his minor children, Frank H. Love, et al., as Mississippi Choctaws-----	1
Written application of Willis Love-----	8
Affidavit of L. G. Wright-----	9
Affidavit in interrogatory form of Elizabeth Wright----	11
Affidavit in interrogatory form of Francis Duer-----	13
Affidavit in interrogatory form of E. M. Robinson-----	16
Affidavit in interrogatory form of Jesse Gardner-----	18
Certified copy of the marriage license of W. Love and Lorena Frazier-----	21
Original application of Hattie Brown, et al., to the Dawes Commission for identification as Mis- sissippi Choctaws-----	22

Written petition of Hattie Brown-----	27
Affidavit in interrogatory form of Mollie Jefferson----	28
Affidavit of D. H. Patton-----	30
Affidavit of Susan Wilson-----	31
Affidavit of Jas. N. Downs-----	32
Petition of J. W. Durant, et al., applying for the admission of applicants herein as citizens of the Choctaw Nation-----	33
Brief of J. O. Pool, attorney for applicants-----	34
Appendix to brief of J. O. Pool-----	52
Affidavit of Willis Love-----	53
Affidavit of Hattie Brown-----	55
Affidavit of W. A. Durant-----	57
Affidavit of J. O. Pool-----	59
Supplemental brief filed by J. O. Pool, attorney-----	61
Decision of the Commission refusing the applica- tions in the consolidated case of Frank H. Love, et al., for identification as Mississippi Choctaws-----	63.

#6323.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. October 1, 1902.

In the matter of the application of Willis Love for the identification of his four minor children, Frank H., Fannie, Sarah and Ruth Love, as Mississippi Choctaws.

Appearance: J. O. Pool, Attorney for Applicant.

Willis Love, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Willis Love.
Q What is your age? A Forty-three.
Q What is your post office address? A Durant, I. T.
Q How long have you lived at Durant? A I am just on my way to Durant.
Q That is to be your post office address? A Yes, sir.
Q Where do you live now? A I am on my way to Durant from Ottoway, Illinois.
Q Where were you born? A In Illinois.
Q Have you always lived in Illinois? A No, sir. I have lived in Illinois, Indiana, Indian Territory and Texas.
Q Where have you lived just previous to this date? A Ottoway, Illinois.
Q How long have you lived there? A 12 years.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A W. R. Love.
Q What was your mother's name? A Elmira Love.
Q You are making application for your children? A Yes, sir.
Q You are a white man? A Yes, sir.
Q How many minor children have you for whom you want to make application? A Four.
Q Do these children claim through their mother? A Yes, sir.
Q Her name was what? A Lorena Love.
Q They claim through your wife, Lorena Love? A Yes.
Q How much Choctaw blood did she have? A Full blood.
Q She was a full blood Choctaw Indian? A Yes, sir.
Q You have no Choctaw blood yourself? A No, sir.
Q Is the mother of these children now dead? A Yes, sir.
Q When and where did she die? A Ottoway, Illinois, on the 3rd of January, five years ago.
Q Give me the names and ages of these children, beginning with the eldest? A Frank H. 20 years old, Fannie 13 years old, Sarah 11 years old, and Ruth 8 years old.
Q That is all the minor children you have? A Yes, sir.
Q You claim one-half Choctaw blood for them? A Yes, sir.

- Q And you claim that blood for them through their mother? A Yes, sir.
- Q Was your wife, Lorena Love, ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
- Q She never lived in the Territory? A Yes, sir.
- Q But is not enrolled? A No, sir. She was born and raised here-- born in Blue County.
- Q Do you remember the date of her birth? A No, sir.
- Q Where did she live most of her life? A She was born and raised in Blue County, near Durant, 22 miles from there; her parents died when she was young. She was taken in by a man by the name of Gardner and he was appointed her guardian; a man by the name of Husten took her to raise. They removed from Blue County to Texas.
- Q Do you remember the date? A I don't. I was married in Texas and we moved back to Durant and lived there about six years. We went from there to Indiana, and from Indiana to Illinois, and we are now on our way back to Durant.
- Q From what place in Illinois did you come? A Ottoway.
- Q Where you lived for 12 years? A Yes, sir.
- Q Do you know whether any of the names of these children for whom you now make application are on the rolls of the Choctaw Nation in Indian Territory? A I think not.
- Q Have you ever made application, or has any one else ever made application for these children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Previous to this has there been any application made for citizenship in the Choctaw Nation for these children? A No.
- Q Has application ever been made for these children for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A Not that I know of.
- Q Have any of these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify these minor children, who claim their blood through your wife, as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A I can't say as I do.
- Q You have had it explained I presume? A No, sir.
- Q You understand of course that this claim is made for these children for identification as Mississippi Choctaws pursuant to Section 21 of the Curtis Bill of June 28, 1898, which authorizes the Commission to identify those Choctaw Indians who claim rights under article fourteen of the treaty of 1830? A Yes, sir.

Now this treaty of 1830 which is sometimes called the treaty of Dancing Rabbit Creek because it was made at a place called Dancing Rabbit Creek in Mississippi, was concluded on the 27th day of September of that year, 1830. This treaty was made between the United States and the Choctaw tribe of Indians and was made for the purpose of securing the consent of the Choctaw Indians to remove from the old Choctaw Nation east

POOR ORIGINAL -
BEST AVAILABLE COPY

of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory but preferred to remain in the old Choctaw Nation. In order to protect the interests of those Choctaws who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty. It was then signed, and afterwards ratified on the 24th day of February, 1831. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Now that is article fourteen of the treaty of 1830 under which you are making this claim for these children. It means, briefly, that those Indians who stayed back in the old Choctaw Nation could afterwards go to the Choctaw Nation Indian Territory, if they wished, and assume the rights of citizenship in that Nation, but they were obliged to go to Colonel Ward within six months after the ratification of the treaty and register with him as Indians who wanted to stay there, take land in the old Choctaw Nation, and become citizens of the states. It was a sort of declaration of becoming United States citizens. If they registered, or attempted to do so, these Choctaw Indians might afterwards assume their Choctaw relationship in Indian Territory. The question now is to know whether the ancestors of these children complied or attempted to comply with the provisions of that article fourteen. Do you know whether any of their Choctaw ancestors did so? A I do not.
- Q Did any of these children ever receive a patent from the United States government for lands which these ancestors occupied in the old Choctaw Nation in Mississippi or Alabama, and which they occupied for five years after the ratification of the treaty of 1830? A I could not say.
- Q Do you know whether they ever received any land or claimed any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I could not say.
- Q Did any of the Choctaw ancestors of these children go to Colonel Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states? A I could not say.

- Q What is the name of the Choctaw ancestor of these children through whom you claim their right to identification? A John Frazier.
- Q What relation was he to them? A Grand father.
- Q How much Choctaw blood did he have? A Full blood.
- Q What was his wife's name? A I could not give her Christian name.
- Q What was her maiden name? A I could not tell you.
- Q Did she have any Choctaw blood? A Full blood.
- Q And was Lorena, your wife, their daughter? A Yes, sir.
- Q She was also a full blood then? A Yes, sir.
- Q Did John Frazier and his wife live in Mississippi or Alabama? A I could not say.
- Q Do you know whether they lived in either of those states in 1830 and were the heads of family there then? A I could not say.
- Q Do you know whether the name of John Frazier, or that of his wife, appears upon any of the registry lists or rolls made by the United States as beneficiaries under article fourteen of the treaty of 1830? A No, sir, I don't know.
- Q Did John Frazier, or any of their Choctaw ancestors, own improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.
- Q Did any of the Choctaw ancestors of these children go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A I don't know.

The Choctaw Indians who stayed back there in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go within six months after the ratification thereof to Colonel Ward, the Indian Agent and tell him that they wanted to stay in the old Choctaw Nation take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put on his list known as Ward's Register. This neglect on the part of Colonel Ward caused a great many Choctaws to lose their land in the old Choctaw Nation, upon which they had improvements, the government having taken both their lands and improvements and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress approved March 3rd of that year, Congress appointed a commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act of Congress approved August 23rd of that year, another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Now do you know whether the ancestors of any of these children went before either of these Commissions appointed in 1837 and in 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I do not.
- Q Did any of the ancestors of these children, and particularly John Frazier, or his wife, receive any scrip from the government which entitled them to select vacant land in the states of Mississippi, Alabama, Louisiana, or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their lands in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q These four children are now present are they not? A Yes, sir.
Q Do they speak or understand the Choctaw language? A No, sir.
Q Have you any other evidence you want to present now in support of this application? A Yes, sir.

Written application of Willis Love, which he makes for his children, is here presented, marked Exhibit "A", and is made a part of the records in this case.

Affidavit of L. G. Wright is presented, received, marked Exhibit "B" and is made a part of the records in this case.

Affidavit of Mrs Elizabeth Wright, received, marked Exhibit "C", and is made a part of the records in this case.

Affidavit of Frances Duer, in the form of interrogatories, presented in behalf of applicants, received, marked Exhibit "D", and is made a part of the records in this case.

Affidavit of E. E. Robinson, in the form of interrogatories presented, received, marked Exhibit "E", and is made a part of the record in this case.

Affidavit of Jesse Gardner, in the form of interrogatories, presented by applicant, received, marked Exhibit "F", and is made a part of the records in this case.

Certified copy of the marriage license and certificate of the marriage of W. Love and Lorena Frasier, presented, is marked Exhibit "G", and made a part of the records in this case.

By Mr. Pool.

- Q Mr. Love, were John Frasier and wife, who were the parents of your deceased wife, Lorena, ever enrolled by the tribal courts of the Choctaw Nation, Indian Territory? A I think so.
Q That is your information? A Yes, sir.
Q Did they receive any annuity moneys from the government by reason of said enrollment on or about 1856? A I think they did.
Q Did they live and die in the Choctaw Nation, Indian Territory? A Yes, sir.
Q Was your wife born in the Choctaw Nation, Indian Territory? A Yes, sir.
Q How many, if any, brothers and sisters did your wife have? A One sister and one brother.
Q Do you remember their names? A Sally and Simeon.
Q Do you know what has become of them; are they living or dead? The sister is dead; the brother I don't know anything about.
Q Don't you know whether is in the Choctaw Nation or not? A No, sir.
Q How long has it been since you concluded to move back to the Indian Territory? A About ten years.
Q Why did you not move back ten years ago? A They would not allow me to unless I walked.

- Q You were financially unable. Have you not been able to move since until now? A No, sir.
- Q You are here now by reason of help given you or you could not be here? A No, sir.
- Q Did you know anything about the Daves Commission, commonly called the Commission to the Five Civilized Tribes, or the allotment and distribution of lands of the Choctaw Indians when you first came to the conclusion to come back? A No, sir.
- Q Then you did not anticipate moving because of the property rights your children have here? A No, sir.
- Q Why did you want to move back here? A Because my children were growing up and being among the whites were not appreciated and I thought they would be better off.
- Q You have formerly lived in Durant and you are now going back there? A Yes, sir.
- Q You had a house and place there? A Yes, sir.
- Q Your household goods and furniture have already gone on to Durant? A Yes, sir.
- Q You will go there to-night and take up your residence there? A Yes, sir.
- Q And make it your permanent home? A Yes, sir.
- Q Do you know of any person who is or were acquainted with the parents of your wife? A No, sir, not her grand parents.
- Q Do you know whether her grand-parents came to the Choctaw Nation Indian Territory or remained in Mississippi and claimed under article fourteen of the treaty? A I do not know.
- Q Have you a married daughter? A Yes, sir.
- Q What is her name? A Hattie Brown.
- Q Is she here present, herself, before the Commission? A Yes.
- Q Has she any offspring? A Yes.
- Q What is its name? A Leo Brown.
- Q How old? A Nearly two years old.
- Q Do you want the application of Hattie Brown, your daughter, consolidated with yours, to be passed upon by the Commission? A Yes, sir.

Attorney for applicant makes a motion that 30 days time be granted in which to introduce further testimony in this case.

Motion is allowed by the Commission.

By the Commission:

- Q Do you know of any relatives of these children who have been before the Commission? A No, sir.
- Q These four minor children, Frank, Fannie, Sarah and Ruth Love are present before the Commission? A Yes, sir.

These children of applicant have the physical appearance and characteristics of mixed ancestry composed of white and Indian blood, which, their father, who makes this application, says is Choctaw blood which they derive from his wife, Lerena Love. Their general appearance, hair, color of their eyes and complexion, would indicate the quantity of Choctaw blood which he claims they possess. The hair of all the children is black and straight and coarse, eyes black, complexion very much darker

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than the complexion of a full blood white; in fact the complexion indicates an equal proportion of white and Indian blood. They cannot speak the Ojibaw language, and have no knowledge of any compliance on the part of their ancestors with the provisions of article fourteen of the treaty of 1830, as indicated by the ~~xxx~~ testimony of their father.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 1st day of October, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 11 day of October, 1902.

Guy L. V. Emerson
Notary Public.

C. W. L.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Frank H. Love, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Frank H. Love, et al., M.C.R. 6323
Hattie Brown, et al., M.C.R. 6324

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Willis Love for his four minor children, Frank H., Fannie, Sarah
and Ruth Love; and by Hattie Brown for herself and her minor child,
Leo Brown, under the following provision of the act of Congress ap-
proved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Frasier (or Flesh, or Flish), and Betsey (or Ish-til-aih-ona) Frasier, who are alleged to have been full blood Choctaw Indians.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It appears from the evidence that the ancestors from whom applicants claim were enrolled upon the tribal rolls of the Choctaw Nation and received the annuity as such citizens prior to their death in 1868 and 1870 respectively, but no such rolls are in the possession of the Commission and no record evidence is submitted by the applicants in verification of the claim of enrollment so specified.

It is found that the name of John Frasier appears on pages 90 and 135, Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District, in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulat-

ed tracts of land in accordance with the provisions of the nineteenth article of said treaty. This record in no way relates to or shows a compliance or attempted compliance upon the part of the persons therein named with the provisions of the fourteenth article of the treaty of "Dancing Rabbit Creek."

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Frasier (or Flesch, or Flish), or Betsey (or Ish-til-aih-ona) Frasier signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank H. Love, Fannie Love, Sarah Love, Ruth Love, Hattie Brown and Leo Brown, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused.

and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED)

Tame Duce.

Chairman.

SIGNED)

T. B. Needles.

Commissioner

SIGNED)

C. R. Breckinridge.

Commissioner

SIGNED)

W. E. Stanley.

Commissioner

Muskogee, Indian Territory,

MAR 15 1904

V
Miss. Choctaw 6323

Muskogee, Indian Territory, November 5, 1902.

Willis Love,

Durant, Indian Territory, (Box 104)

Dear Sir:

Receipt is hereby acknowledged of your letter of November 2, asking for a continuance in the matter of your application for the identification of your minor children as Mississippi Choctaws until December 15, 1902, and in compliance with your request you are hereby granted up to and including December 15, 1902, within which to submit evidence in this case.

Respectfully,

>
Acting Chairman.

M. C. R. 6323.

Muskogee, Indian Territory, December 15, 1902.

J. O. Pool,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, inclosing your brief and affidavit and the affidavits of Willis Love, Hattie Brown and W. A. Durant, offered for filing in the application made by Willis Love for the identification of his four minor children as Mississippi Choctaws. The same have been filed with the record in this case.

Respectfully,

Acting Chairman.

M C R 6323

Muskogee, Indian Territory, April 3, 1903.

J. O. Pool,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 31st ultimo, enclosing supplemental brief in the Mississippi Choctaw case of Frank H. Love, et al., which you ask be filed with the record in said case.

In reply you are informed that the same will be transmitted to the Secretary of the Interior with the record in this case.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
T. S. BERRY,
THOMAS B. HEEBES,
C. R. BRECKINRIDGE,
W. F. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

MCR 6323.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 4, 1903.

William O. Beall,

Clerk in Charge Choctaw- Chickasaw Enrollment Division,

Dear Sir:-

A decision was prepared by the Mississippi Choctaw Legal Department in the consolidated application of Frank H. Love, et al. M.C.R. 6323, denying said application.

The applicants in said case set forth in their oral testimony that the ancestors through whom they claim a right to be identified as Mississippi Choctaws were enrolled on the tribal rolls of the Choctaw Nation and received the annuity paid such citizens prior to their death, which occurred in the years 1868 and 1870. In the treatment of said claim in the decision prepared in this application, the following words were used:

"It appears from the evidence that the ancestors from whom applicants claim were enrolled upon the tribal rolls of the Choctaw Nation and received the annuity as such citizens prior to their death in 1868 and 1870 respectively, but no such rolls are in the possession of the Commission and no record evidence is submitted by the applicants in verification of the claim of enrollment so specified."

The record in this case was returned by Mr. Hopkins, Chief Law Clerk of the Commission, with the following note: "Make an effort to verify statement that ancestors are on tribal rolls prior to 1868 and 1870," and in accordance with such instructions it

appears that Mr. Shelby searched the 1885 Census Roll, the 1893 Leased District Payment Roll, and the 1896 Census Roll for said names, and reported that they could not be found thereon. The result of said search was reported to Mr. Hopkins and he suggests that as the Department has informed the Commission that they are in possession of certain old rolls of the Choctaw Nation, copies of which are not in the possession of the Commission, a communication be directed to the Department requesting that said rolls be searched for the names of the ancestors through whom these applicants claim.

The record in this case is therefore returned to the files for such action as may be deemed proper.

Respectfully,

Chas von Wies

Effort has been made to procure from
Nep. rolls of Choctaw citizens made
between 1842 and 1885 and there
are none such in possession of Indian
Office.

W. O. B.

Muskogee, Indian Territory, April 15, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated case of Frank H. Love, et al., applicants to this Commission for identification as Mississippi Choctaws, it appears from the record in this case that the ancestors through whom these applicants claim their right to identification as Mississippi Choctaws, viz: John Frazier (or Flesch or Flish) and Betsy (or Ish-til-aih-ona) Frazier were enrolled on the tribal rolls of the Choctaw Nation in Indian Territory, and received, prior to their death in the years 1868 and 1870, annuities paid to the citizens of the Choctaw Nation.

The Commission has not in its possession any rolls of the citizens of the Choctaw Nation antedating the year 1865, and requests that if the Department is in possession of any rolls of the Choctaw Nation between the years 1842 and 1870, the same be examined for the names of John Frazier (or Flesch or Flish) and Betsy (or Ish-til-aih-ona) Frazier, and that the Commission be furnished with such information relative to these persons as may appear upon such rolls.

Respectfully,

Through the Commissioner
of Indian Affairs.

MCM 00

Chairman.

Muskogee, Indian Territory, February 26, 1904.

Etheredge & Cook,
Attorneys at Law,
Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of February 20, 1904, in which you ask if there is any chance for you to institute contest proceedings for Frank Love, Fannie Love, and Sarah Love for land upon which they now have improvements

In reply you are informed that it appears from our records that on October 1, 1902, Willis Love, a white man, forty-three years of age, of Durant, Indian Territory, appeared before this Commission and made application for the identification of his four minor children, Frank H., Fannie, Sarah, and Ruth Love, as Mississippi Choctaws, claiming their right to such identification by reason of being descendants of John Frazier, their grandfather, an alleged full blood Choctaw Indian, but up to the present time no decision has been rendered by the Commission relative to the rights of these minor children to be identified as such Mississippi Choctaws. When a decision is rendered, their father, Willis Love, will be duly notified of the action of the Commission.

You are further advised that it is not believed that ap-

B & C 2

plicants for identification as Mississippi Choctaws whose status is undetermined are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations, nor are they permitted to institute contest proceedings for any of the lands of said tribes. You would not, therefore, be permitted to institute contest proceedings for land in behalf of the children referred to in your letter.

Respectfully,

Commissioner in Charge.

M C R 6323

COPY.

Muskogee, Indian Territory, April 6, 1904.

Willie Love,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank H. Love et al., including Frank H. Love, Fannie Love, Sarah Love, and Ruth Love.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

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H O R 6524

COPY.

Muskogee, Indian Territory, April 6, 1904.

Hattie Brown,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank H. Love, et al., including you and your son Leo Brown.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M C R 6323

COPY.

Muskogee, Indian Territory, April 6, 1904.

J. O. Pool,
Attorney at Law,
Hooona, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank H. Love, et al., which embraces the following cases:

Frank H. Love, et al.,	M C R 6323
Hattie Brown, et al.,	M C R 6324

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

Registered.

Commissioner in Charge.

M C R 6323

COPY.

Muskogee, Indian Territory, April 6, 1904.

Etheredge & Cook,
Attorneys at Law.
Atoka, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank H. Love, et al., which embraces the following cases:

Frank H. Love, et al.,
Hattie Brown, et al.,

M C R 6323
M C R 6324

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Commissioner in Charge.

M C R 6323
COPY.

Muskogee, Indian Territory, April 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 18, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank H. Love, et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Enc MCR-6323

COPY.

Washoe, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Frank H. Love, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 16, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

Frank H. Love, et al., M.O.R. 6383,
Hattie Brown, et al., M.O.R. 6384.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also transmitted herewith argument by J. O. Pool, attorney for the applicants, in relation to this case, filed with the Commission on April 19, 1904.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

3 Enc. M.O.R. 6385.

M.O.R.6323

Muskogee, Indian Territory, April 20, 1904.

J. C. Pool,
Attorney-at-Law,
Hocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant enclosing "exception" in the Mississippi Choctaw case of Frank Love, et al.

The same will be forwarded, with the record in this case, to the Secretary of the Interior.

Respectfully,

Chairman.

Land.
28285-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 4, 1904.

(COPY).

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 22, 1904, transmitting the record of the consolidated application of Frank H. Love for himself and his three minor sisters, Fannie, Sarah and Ruth Love, and by Hattie Brown (his sister) for herself and her minor child, Leo Brown, for identification as Mississippi Choctaws.

March 15, 1904, the Commission decided adversely to the applicants.

The record shows that the applicants do not claim as Mississippi Choctaws under the Fourteenth Article of the treaty of Dancing Rabbit Creek, but under Article Two of said treaty.

The claimants with the exception of Leo Brown who is the child of Hattie, are shown to be the children of Lorena, a full blooded Choctaw, born in the Choctaw Nation, Indian Territory, and Willis Love, a white man; that the parents of Lorena

(a-homa) were citizens of the Choctaw Nation, I.T., recognized and enrolled as such by the Nation and died therein in 1868 and 1870 respectively.

The names of the applicants are not identified as Mississippi Choctaws and the names of their alleged ancestors are not identified upon the records of this office as members of the Choctaw tribe who complied with the provisions of the Fourteenth Article of the treaty of Dancing Rabbit Creek.

While it is shown that Lorena, the mother of the claimants was a full blood Choctaw, born in the Choctaw Nation, she was married to a white man in June 1881, far removed from the Nation, and continued to live outside the Nation to the date of her death at Ottawa, Illinois, on January 3, 1897 - the applicants now come for enrollment as Choctaws or as delinquent Choctaws in October 1902.

It does not appear that the applicants are entitled to recognition or enrollment under any article of the treaty of Dancing Rabbit Creek, the act approved May 31, 1900 (31 Stats., 236) or the act approved July 1, 1902.

In view of the evidence the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.M.M.

W.

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DC.29362-1904.
ITD.6284-1904.
L.R.8.

(COPY).

W.C.P.

FHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, August 10, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

April 22, 1904, you transmitted the record in the consolidated Mississippi Choctaw case of Frank H. Love et al (M.C.R. 63234), including your decision of March 15, 1904, refusing to identify the applicants.

You also transmitted an argument filed by the attorney for the applicants, which has been considered by the Department in connection with the record.

Reporting in the matter August 4, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

THOMAS HYAN,

Acting Secretary.

1 inclosure.

M.C.R. 6123

COPY.

Muskogee, Indian Territory, August 27, 1904.

Frank H. Love,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that on the 10th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank H. Love, et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

Jame Dixby

Chairman.

M.C.R. 8323

COPY.

Muskogee, Indian Territory, August 27, 1904.

J. O. Pool,
Attorney at Law,
Secena, Texas,

Dear Sir:

You are hereby notified that on the 19th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Frank H. Love et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

Signed

James Dixby

Chairman.

M.C.R. 6323

COPY!

Muskogee, Indian Territory, August 27, 1904.

Netheridge & Cook,

Attorneys at Law,

Adeka, Indian Territory,

Gentlemen:

You are hereby notified that on the 10th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank H. Love et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

James Dixby.
Chairman.

COPY:

Muskogee, Indian Territory, August 27, 1904.

Manfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby notified that on the 10th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank H. Love et al., of which decision you were advised by mail on the 6th day of April, 1904.

Respectfully,

SIGNED

Jams Bixby.
Chairman.

Muskogee, Indian Territory, May 20, 1905.

Cora V. Garrard,

Atoka, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, requesting to be advised of the names of Frank Love, Hattie Brown, nee Love, Fannie Love, Sarah Love and Ruth Love have been approved by the Secretary of the Interior.

In reply you are informed that on August 10, 1904, the Secretary of the Interior approved the Commission's decision of March 15, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Frank H. Love, et al.

The Commission now considers this case closed, and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Chairman,

Muskogee, Indian Territory, May 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Frank H. Love, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes rendered March 15, 1904, adverse to the applicants, was, on April 22, 1904, forwarded the Department for consideration.

August 10, 1904 (I T D 6284-1904), the Secretary of the Interior approved the decision of said Commission refusing to identify Frank H. Love, et al. as Mississippi Choctaws.

This office is now in receipt of a petition from J. O. Pool, of Nocona, Texas, for a rehearing in the above consolidated case. Said petition is herewith transmitted for the consideration of the Department.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

McM 16/3

M C R 6323

Muskogee, Indian Territory, May 15, 1906.

J. C. Pool,
Attorney at Law,
Hocoma, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, stating that on the 8th of May you mailed to this office a petition for reopening and reconsideration of the Mississippi Choctaw case of Frank H. Love, et al. Said petition was duly received and has this day been forwarded to the Secretary of the Interior.

Respectfully,

Acting Commissioner.

(COPY)

LAND
54331-1904
43019-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. May 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a letter from the Commissioner to the Five Civilized Tribes dated May 15, 1906, transmitting a petition for rehearing in the consolidated Mississippi Choctaw enrollment case of Frank H. Love, et al.

The record is also enclosed.

Very respectfully,

C. P. Larrabee,

Acting Commissioner.

MM C

J. P.

DEPARTMENT OF THE INTERIOR, JHE.

WASHINGTON. January 15, 1907.

I. T. D. 9462-1906.
L. R. S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt, with Indian Office letter of May 22, 1906 (Land 43019-06), of your letter of May 15, 1906, submitting a motion for rehearing in the Mississippi Choctaw case of Frank H. Love, et al.

No question of law or fact is presented not heretofore considered. It is requested in the motion that the applicants be enroled as Choctaws by blood. It is shown from the papers in the case that none of the applicants has ever been enroled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw citizenship by duly constituted authority.

The act of May 31, 1900 (31 Stat., 221), provided that the Commission to the Five Civilized Tribes should not receive, consider or make any record of any application of any person for enrolment as a member of any tribe in the Indian Territory who had not been a recognized citizen thereof and duly and lawfully enroled or admitted as such.

Finding no reason to disturb the decision of the Department of August 10, 1904, adverse to the applicants as Mississippi Choctaws, the motion is denied.

A copy of Indian Office letter of May 22, 1906, is inclosed. The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 5 for Ind. Of.

COPY

M. C. R.
6323.

Muskogee, Indian Territory, January 21, 1907.

J. O. Pool,
Attorney at Law,
Nocona, Texas.

Dear Sir:

There is enclosed herewith copy of Departmental letter of January 15, 1907 (I. T. D. 9462-1906), denying a motion filed by you, praying for rehearing in the consolidated Mississippi Choctaw case of Frank H. Love et al.

Respectfully,

SIGNED *Wams Rixby.*

Commissioner.

W-21/26.

M. C. R.

6323.

Muskogee, Indian Territory, January 21, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Dear Sirs:

There is enclosed herewith copy of Departmental letter of January 15, 1907 (I.T.D. 9462-1906), denying a motion filed by J. O. Pool, praying for rehearing in the consolidated Mississippi Choctaw case of Frank H. Love, et al.

Respectfully,

SIGNED *Timms R. R.*

Commissioner.

W-21/25.

COPY

M. C. R.
6323.

Muskogee, Indian Territory, January 21, 1907.

Chief Clerk,
Chootaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on January 15, 1907, the Secretary of the Interior denied a motion for rehearing in the consolidated Mississippi Chootaw case of Frank H. Love et al, which motion was filed in this office by J. O. Pool, the attorney of record.

The following is a list of the claimants in said case which is furnished you in order that you may be able to advise any of such parties, in case they request to designate their prospective allotments, that their case is now closed, and it does not appear that any proceedings are pending at the present time in the matter of their applications for identification as Mississippi Chootaws:

Frank H. Love,	Ruth Love,
Fannie Love,	Hattie Brown,
Sarah Love,	Leo Brown.

Respectfully,

SIGNED *Wm. Rixby.*

Commissioner.

COPIED

M. C. R.

6323.

Muskogee, Indian Territory, January 21, 1907.

Frank H. Love,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on January 15, 1907, the Secretary of the Interior denied a motion filed by J. O. Pool, attorney at law, Nocona, Texas, praying for rehearing in the consolidated Mississippi Choctaw case of Frank H. Love et al.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

REFER TO M.C.R. 6323

Frank H. Love et al

Consolidated Case

John Frazier
Indian name: Glish or Kesh
full blood
wife
(Name not known) full

Korena Frazier full
mar. died
Willie Love, w.

Mar 6 27
Frank H. Love, 20 1/2

Mar 6 27
Hattie Love, 17 1/2
mar.

Nalter Brown, w.

Mar 6 27
Dannie Love, 12 1/2

" Sarah Love, 11 1/2

" Ruth Love, 8 1/2

Mar 6 27
Leo Brown, 2

For Identification as a Mississippi Choctaw.

Date

OCT 4 1902

Name

Willie Love, white

Age

43 - Blood white -

Post Office,

Durant, I.T.

Children

W. R. Love, Son

Father:

Children

E. Love, Son (uncle)

Mother:

Children

E. Love, Son (uncle)

Claims through

mother -

For

Children:

Only.

Frank H. Love $\frac{1}{2}$ 20Fannie " $\frac{1}{2}$ 13Sarah " $\frac{1}{2}$ 11Ruth " $\frac{1}{2}$ 8Claims for his 4
minor children

Stenographer

R. D. Evans

Choctaw MCR 6324

Hattie Brown

See MCR 6323

MCR 6324

#6324.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. October 1, 1902.

In the matter of the application of Hattie Brown for the identification of herself and her minor child, Leo Brown, as Mississippi Choctaws.

Appearance: J. O. Pool, Attorney for Applicant.

Hattie Brown, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Hattie Brown.
Q What is your age? A Seventeen.
Q What is your post office address? A Durant, I. T.
Q Do you live at Durant? A I am on my way there now.
Q You never have lived in Durant? A No, sir.
Q Where were you born? A Indiana.
Q Where in Indiana? A Remington.
Q How long did you live in Remington? A Four years.
Q Then you went where? A To Illinois.
Q How long did you live in Illinois? A 18 years.
Q Where did you live there? A Ottoway.
Q From there where did you go? A I am now going to Durant from Ottoway.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A Willis Love.
Q What is your mother's name? A Lerena Love.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-half.
Q Is your father a white man? A Yes, sir.
Q He has made application on this date, has he not, for the identification as Mississippi Choctaws of your four brothers and sisters, his minor children? A Yes, sir.
Q Do you want this application of yours consolidated with the application made by him for these children? A Yes, sir.

The case of Willis Love, a white man, who made application for his four minor children, M.C.R. 6325, is here referred to for the purpose of consolidation.

- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A Not that I knew of.

- Q Is your husband living? A Yes, sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q What is his name? A Walter Brown.
Q Do you make any claim for him as a Choctaw Indian? A No, sir.
Q Have you any minor children you want to make application for? A Yes, sir, Leo Brown.
Q How old is Leo? A Two years old.
Q Is Walter Brown the father of Leo? A Yes.
Q Are you and your husband living together and is this child living with you at home? A Yes, sir.
Q Is your name or the name of your son on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for your son to the Choctaw tribal authorities in Indian Territory, or to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
Q Do you come before the Commission at this time to identify yourself and this child as Mississippi Choctaws? A Yes.
Q Do you claim under article fourteen of the treaty of 1830? A I don't understand article fourteen.

A treaty is an agreement in writing made between nations instead of between people. An article in a treaty is one of its clauses speaking specifically of a general subject. A treaty was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek which was concluded on the 27th day of September, 1830. The object of the treaty was to secure the removal, as far as possible, of the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory but preferred to remain in the old Choctaw Nation. For the benefit and protection of those Choctaws who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty. Article fourteen dealt particularly with the interest of those Choctaw Indians who preferred to stay back in the state of Mississippi, refusing to come to Indian Territory. It is the only part of the treaty of 1830 that does deal with that particular subject, and article fourteen is the only part of that treaty that gives Mississippi Choctaw Indians or their descendants any rights before the Commission at this time. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent.

If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q What is the name of your ancestor who was an Indian, a Choctaw Indian, through whom you claim your right to be identified as a Mississippi Choctaw? A My mother, Lorena Love and her father.
- Q What was her father's name? A John Frazier.
- Q Your grandfather? A Yes, sir.
- Q How much Choctaw blood did he have? A Full blood.
- Q Do you know the name of his wife? A No, sir.
- Q How much Choctaw blood did she have? A Full blood.
- Q Did John Frazier and his wife live in Mississippi or Alabama in 1830? A I don't know.
- Q Do you know the name of any of your Choctaw ancestors who did live in the old Choctaw Nation in 1830 and were the heads of families there at that time? A No, sir.
- Q How old would John Frazier or his wife be if living now? A I don't know.
- Q Do you know where either of them were born? A No, sir.
- Q Do you know where they lived during their life time? A In Indian Territory I think.
- Q Was your mother born in Indian Territory? Yes, sir.
- Q Where in Indian Territory? A I don't know exactly.
- Q Where did she live during the most of her life? A In Indian Territory until she was married and afterwards.
- Q She lived in Indian Territory until she was married? A Yes, sir.
- Q Did she remove at any time from the Territory? A Yes, I believe she did.
- Q Where did she go? A To Texas.
- Q Do you know where else? A No.
- Q Where did she die? A Ottoway, Illinois.
- Q Then before she died she went from the Territory to Texas. A She lived in Remington before she lived in Ottoway.
- Q Do you know whether she lived in Mississippi or whether her parents lived in the old Choctaw Nation in 1830? A I don't know.
- Q You, yourself, never lived in the Territory? A No, sir.
- Q You are on your way to Durant? A Yes, sir.
- Q Did any of your Choctaw ancestors, to your knowledge, own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors, John Frazier, or any others, receive land from the government after the ratification of the treaty and live on it for five years? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty, go before Colonel Ward, the Indian Agent, and tell him they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between the years 1833 and 1838 with the other Indians?

A I don't know.

Q You don't know that any of them owned improvements on land in the old Choctaw Nation in the years 1830 or 1831? A No, sir.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required if they wanted to take advantage of article fourteen of that treaty to go before Colonel Ward, the Indian Agent, within six months after the ratification of the treaty and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states. A great many Choctaws did this whose names Colonel Ward failed to put on his list known as Ward's Register. This neglect on the part of Colonel Ward caused many Choctaws to lose their land in the old Choctaw Nation, upon which they had improvements, the government having taken them and sold both land and improvements at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by act of Congress approved August 23rd of that year, another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know whether any of your Choctaw ancestors went before either of these Commission appointed in 1837 and in 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and if it also appeared that he had had his land taken from him in the Choctaw Nation and sold by the government at its public land sales, he was entitled to select vacant government land in the states of Mississippi, Alabama, Louisiana, or Arkansas, and that a certificate should be given him to that effect. These certificates were called scrip.

Q Did John Frazier, or any of your Choctaw ancestors receive any of this scrip from the government? A Not that I know of.

Q Do you speak the Choctaw language? A No, sir.

Q You never have lived among the Indians? A No, sir.

Q You associated more with white people? A Yes, sir.

Q Have you any evidence you want to present at this time? A Yes.

Written application of this claimant, Hattie Brown, nee Love, daughter of Willis Love, presented, received, marked Exhibit "A" and made part of the records in this case.

By Mr. Pool.

Q How long has your mother been dead? A Six years.

- Q Did she during her life time, prior to her death, talk of wanting to come back to Indian Territory? A Yes, she always wanted to come back.
- Q And your father agreed with her, about 10 years ago, to bring her back with you children? A Yes, sir.
- Q Why was it you all wanted to come to the Territory? A They thought it would be nicer here and we would get along better.
- Q With your tribe? A Yes, sir, and we liked the country better.
- Q You then did not know or never heard your parents or anyone else speak of your having an interest in the Choctaw lands and that by moving back you would get any of them? A No, sir.
- Q You never heard of the Dawes Commission or the allotment of lands until recently? A No.
- Q Why is it that you did not move back to the Territory sooner than this? A We had no money to move with. We were not able to come.
- Q Is it a fact that you would not have been able to come at this time had it not been that a friend furnished the money to pay your way? A No, we would not have been able to come.
- Q And you are now going to Durant, this evening, to live there and make it your future home? A Yes, sir.
-

The request of the Attorney for applicant for 30 days time in which to introduce further testimony in support of this application is allowed.

Applicant has the appearance and physical characteristics of being descended from mixed ancestry, composed of white and Indian blood; she says she has Choctaw Indian blood; her hair is black, coarse and straight, eyes black, olive complexion, showing an admixture of white and Indian blood; claims to be one-half Choctaw which claim seems to be substantiated by her personal appearance and that of her brothers and sisters who are present before the Commission, all of whom have black hair and look like part Indian; she does not speak or understand the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the first day of October, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 11 day of October, 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, April 13, 1903.

C. W. Garrard,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing the affidavit of the mother, Hattie Love Brown, and that of the attending physician, J. B. Smith, to the birth of Walter Brown, infant child of Walter W. and Hattie Love Brown, March 25, 1903. In your letter you state that you failed to enclose this application with the "supplemental brief" forwarded the Commission last week by J. O. Pool.

In reply your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

Under the above legislation the Commission is now without authority to receive or consider the application of any person for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

M.C.R. 6324
COPY.

Muskogee, Indian Territory, August 27, 1904.

Mattie Brown,

Durant, Indian Territory,

Dear Madam:

You are hereby notified that on the 10th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Frank H. Love, et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

Yours truly,

Tame Bixby.
Chairman.

COPY

M. O. R.
6824.

Muskogee, Indian Territory, January 21, 1907.

Hattie Brown,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that on January 15, 1907, the Secretary of the Interior denied a motion filed by J. O. Pool, attorney at law, Nocona, Texas, praying for rehearing in the consolidated Mississippi Choctaw case of Frank H. Love et al., of which the applications for the identification of yourself and minor child, Lee Brown, is a part.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
of Walter Brown, born on the 25th day of March, 1903
(Here insert name of child)
Name of Father: Walter W. Brown, a citizen of the Choctaw Nation.
Name of Mother: Hattie Love Brown, a citizen of the Choctaw Nation.
Post-office, Durant, Indian Territory.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central Judicial District.

I, Hattie Love Brown, on oath state that I am 17
years of age and a citizen, by Blood, of the Choctaw Nation;
that I am the lawful wife of Walter W. Brown, who is a citizen, by
intermarriage, of the Choctaw Nation, that a male child was
(male or female)
born to me on the 25th day of March, 1903; that said child has been
named Walter Brown, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

L. H. Orrard
L. E. Wright

Mrs. Hattie Love Brown

Subscribed and sworn to before me this 4th day of April, 1903.

J. I. Cannell

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central Judicial District.

I, J. B. Smith, a physician, on oath state that I
attended on Mrs. Hattie Love Brown, wife of Walter W. Brown,
on the 25th day of March, 1903; that there was born to her on
said date a male child; that said child is now living and is said to have been
(male or female)
named Walter Brown.

WITNESSES TO MARK:

(Must be Two Witnesses)

J. B. Smith

Subscribed and sworn to before me this 4th day of April, 1903.

J. I. Cannell

NOTARY PUBLIC.

For Identification as a Mississippi Choctaw.

Date

OCT 1 1902

Name *Hattie Brown.*

Age *17* - Blood *1/2*

Post Office, *Warant, I.T.*

Father: *Willie Love.* *l.*

Mother: *Lorna* " *d.*

Claims through mother

Husband, *Hattie Brown, l.w.*

No claim for
husband

Children:

Leo Brown, *2*

claim for self
and one minor.

Stenographer *A.B. Ewing*

Cinctaw MCR 6345

Charles E. Allen

See MCR 5200

MCR 6325

#6325.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. October 1, 1902.

In the matter of the application of Charles E. Allen for the identification of himself as a Mississippi Choctaw.

Charles E. Allen, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Charles E. Allen.
Q What is your age? A Twenty-two.
Q What is your post office address? A Smithfield, Texas.
Q How long have you lived in Texas? A Born and raised there.
Q How long did you live in Smithfield? A Three years.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A G. A. Allen.
Q Has he been before the Commission? A He is on his way up here now. I don't know when he will be here.
Q What was your mother's name? A Ann Allen.
Q Do you claim your Choctaw blood through your father? A Yes, sir.
Q How much do you claim? A I could not say.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q Do you know whether your father and mother were married by a minister under a license? A I could not say.
Q Are you married? A No, sir.
Q Do you claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q This is the first application for citizenship in the Choctaw Nation you have ever made to any authority whatever? A Yes, sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article of the treaty of 1830? A No, sir, I don't believe I do.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, and was concluded on the 27th day of September of that year, 1830. The object of the treaty was to secure the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi river to the Cho-

taw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory but preferred to stay in the old Choctaw Nation in Mississippi and Alabama. In order to protect the interests of those Choctaws who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him ever ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I don't think they did.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? Jonathan C. Allen.
- Q What relation was he to you? A Grandfather.
- Q Your father's name was G. A. Allen? A Yes, sir.
- Q Is he a brother of William J. Allen? A Yes, sir.
- Q Did William J. Allen marry a woman by the name of Martha? A Martha Choate.
- Q Who did your grandfather, Jonathan C. Allen, marry? A Married a Gentry.
- Q Do you remember her first name? A Martha Jane.
- Q How much Choctaw blood did your grandfather, Jonathan, have? A I don't know.
- Q Did he live in Mississippi or Alabama? A In Mississippi.
- Q Did he live there in 1830? A I could not say.
- Q You don't know whether he lived in the old Choctaw Nation in 1830 and was the head of a family there then? A I don't think he was at that time. I could not say.
- Q Can you give the name of a Choctaw ancestor of yours who did live in the old Choctaw Nation in 1830 and was the head of a family there at that time? A He must have lived there 72 years ago.
- Q Well was he the head of a family there then? A Yes, sir, I suppose so.
- Q What makes you think so? A I heard so in the family.
- Q Who told you, your father? A Yes, sir.
- Q Now if he lived in Mississippi in 1830 and was the head of a family there then did he, within six months after the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent, and tell

him that he wanted to stay in the old Choctaw Nation, take land there and become a citizen of the states? A I don't know.

Q Did he comply in any way with article fourteen of the treaty of 1830? A No, sir.

Q Did he own any land or claim any land in the old Choctaw Nation in either Mississippi or Alabama in 1830 under article fourteen of the treaty of 1830? A No, sir.

Q Did he go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A Yes, sir, he come to this country some time.

Q You don't know about the time? A No, sir.

Q Did he go from Mississippi to the Territory? A He come to the Territory.

Q Where did he locate? A I don't know.

Q What year was that? A I don't know.

Q Was he removed at the expense of the United States or did he pay his own expenses coming out here? A I suppose he paid his own expenses.

Q Did any of your Choctaw ancestors own improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go within six months of the ratification thereof to Colonel Ward, the Indian Agent, and tell him they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list, known as Ward's Register. This neglect on the part of Colonel Ward caused a number of Indians to lose their land in the old Choctaw Nation, upon which many of them had improvements, both having been taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, Congress appointed a Commission to go down to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd, of that year, another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know whether any of your Choctaw ancestors went before either of these Commissions appointed in 1837 and in 1842 and claimed any benefits under article fourteen of the treaty of 1830? A No, sir, I don't.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in the states of Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under act of Congress of August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had had their land taken from them in the old Choctaw Nation by the government and sold at its public land sales.

- Q You are related to William J. Allen? A Nephew.
Q He is your father's brother is he? A Yes, sir.
Q Do you want to have your case consolidated with his? A Yes, sir.

Case of William J. Allen, et al., M.C.R. 5200, is here referred to for the purpose of consolidation.

- Q You say your father is coming here? A Yes, sir.
Q Are there any other relatives of yours coming? A I have two sisters.
Q Are they coming? A I don't know.
Q What are your sisters' names? A One of them is Minnie Young.
Q Where does she live? A Close to me at Smithfield.
Q What is the name of the other? A Willie Day.
Q What is her post office address? A I could not say. They put up a new home. The post office is Tittle, Texas.
Q Have you any other evidence you want to present now in support of this claim? A No, sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair, blue eyes, ruddy complexion; does not speak the Chectaw language, and has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, taken on the 1st day of October, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 11 day of October, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 6325.

Muskogee, Indian Territory, January 31, 1903.

Charles E. Allen,
Smithfield, Texas.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William J. Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David O. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle B. Allen, William B. Allen, Lizzie Allen, Luitia Allen, John Martin Allen, Delia A. Richardson, Florence Virginia Richardson, William Joseph Richardson, John D.

C. B. A. # 2.

Richardson, Bessie Lee Richardson, George Franklin Richardson, Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew S. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Essie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey Allen, Luther Delma Allen and Charles E. Allen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

Registered.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6325.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

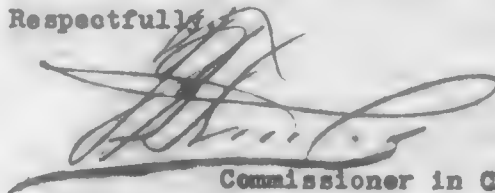
Muskogee, Indian Territory, July 22, 1903.

Charles E. Allen,
Smithfield, Texas,

Dear Sir:-

You are hereby notified that on the 16th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William J. Allen et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,



Commissioner in Charge.

No.
For Identification as a Mississippi Choctaw.

Date OCT 1 1902

Name Charles E. Allen

Age 22 — Blood Dent from

Post Office, Smithfield, Texas.

Father: G. A. Allen. l.

Mother: Ann " d.

Claims through father

Children:

Claims for self
none -

Stenographer R. B. Cunningham



General Office M. R.
Advising that the of Int has
affirmed Commissioner's decision.

RECEIVED
JUL 22 1890
UNCLAIMED

Penalty for private use, \$300.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.
Official Business.





Department of the Interior.

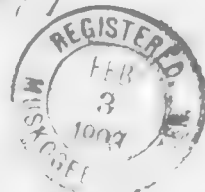
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

T389



~~Charles H. Allen,~~

~~Smithfield, Texas.~~

Choctaw MCR 6326

Nelson White

MCR 6326

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nelson E. White, et al.,
for identification as Mississippi Choctaws, M.C.R. 6326.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Nelson E. White, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Charlie Freeman-----	6
Certified copy of the marriage certificate of N. E. White and Millie Watson-----	8
Decision of the Commission refusing the ap- plication of Nelson E. White, et al., for identification as Mississippi Choctaws-----	9

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. October 1, 1902.

In the matter of the application of Nelson E. White for the identification of himself and his five minor children, Cornelius, Oralee, Heltsey, Nita and Hannabal White, as Mississippi Choctaws.

Nelson E. White, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Nelson E. White.
- Q What is your age? A I don't know the exact date I was born, but I am about 46 years old.
- Q What is your post office address? A Muskogee, I. T.
- Q How long have you lived in Muskogee? A Going on five years.
- Q Where did you live before you came to Muskogee? A I lived in Oklahoma.
- Q Where in Oklahoma? A In Oklahoma City.
- Q How long did you live there? A Back and forwards I lived there about 12 years.
- Q Where were you born? A In Mississippi.
- Q Where in Mississippi? A In Newton County.
- Q From there where did you go? A Kentucky.
- Q And from Kentucky? A To Oklahoma.
- Q And then to the Territory? A Yes, sir.
- Q Is your father living? A No, sir.
- Q Is your mother living? A No, sir.
- Q What was your father's name? A Ben White.
- Q What was your mother's name? A Rosie White.
- Q Through which parent do you claim your Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A One-half.
- Q Do you claim that your mother was a full blood? A Yes, sir.
- Q What was your father's blood? A Part white and part colored.
- Q About half and half? A Yes, sir.
- Q Was he ever a slave? A No, sir.
- Q Was your mother? A No, sir.
- Q Were you? A No, sir.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Mildred White.
- Q Is she living? A Yes, sir.
- Q What is her blood? A Part Choctaw.
- Q And what part? A Colored.
- Q Has she any white blood? A I don't know whether she has or not.
- Q Do you make any claim for her? A No, sir.
- Q You have some minor children for whom you want to make application? A Yes, sir.
- Q Give me their names and ages, beginning with the oldest? A Cor-

nelius, 10 years; Oralee (girl) 7 years; Holtsey (boy) 6 years, Wita (girl) 3 years, and Hannabal (boy) 11 months.

- Q Is Mildred the mother of these children? A Yes, sir.
Q Are you and her living together as husband and wife and are these children living with you at home? A Yes, sir.
Q You claim for yourself and these five minor children? A Yes, sir.
Q Have you the proof of your marriage with your wife with you? A No, sir.
Q When were you married? A In 1883.
Q Do you remember the day of the month? A It was the 2nd of June I think.
Q Were you married by a minister under a license? A Yes, sir.

If you can get the proof within a few days you are advised to do so as it will be necessary in support of the application you make for the identification of your minor children. Certified copy of the marriage record will do, and you will be allowed 25 days from date hereof in which to produce this proof, and also any other proper testimony.

- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these minor children to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896, either for yourself or for these children? A No, sir.
Q Is this the first application of any kind you have made to any authority whatever for citizenship in the Choctaw Nation for yourself or for your minor children? A Yes, sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
Q You now come before the Commission to identify yourself and these five minor children as Mississippi Choctaws? A Yes, sir.
Q Do you make this claim under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek, and was concluded on the 27th day of September, 1830. The object of the treaty was to secure the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory but preferred to stay in the old Choctaw Nation in Mississippi and Alabama. In order to protect the interests of these Choctaw Indians who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuities."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article? Do you know of any of your kin folks, living back there a good many years ago, who complied with that article? A Not that I know of.
- Q What is the name of your Choctaw ancestor through whom you now claim the right to be identified as a Mississippi Choctaw? A I remember of my mother talking about her grandmother.
- Q What was your grandmother's name? A Pasie Tamer.
- Q Was that a Choctaw Indian name? A Yes, sir.
- Q How much Choctaw blood did Pasie Tamer have? A Full blood.
- Q That was your grandmother on your mother's side? A Yes, sir.
- Q Do you know the name of her husband? A I have heard mother say his name was Hector.
- Q Did he have any Choctaw blood? A Yes, sir. He was a full blood.
- Q That was your grandfather? A That is what I heard my mother say.
- Q Then you claim that both your grandfather and grandmother on your mother's side were full blood Choctaw Indians? A Yes, sir.
- Q How do you know? A They always went by it.
- Q Did you ever see either of them? A Why, yes, sir.
- Q Did they look like full blood Choctaw Indians? A Yes, sir.
- Q Did they speak the Choctaw language? A Yes, sir.
- Q Do you speak it? A No, sir.
- Q How do you know they spoke it? A I was a pretty good sized boy then--I remember.
- Q How do you know they spoke Choctaw? A I thought they did.
- Q You could hear them talking? A Yes, sir, I stayed with my mother until I was 11 years old.
- Q Was your mother living with her father and mother? (No answer).
- Q What opportunity did you have to hear them talk? A There was a good many of them there together.
- Q Did you ever see your grandfather? A No, sir, I seen my grandmother.
- Q Who did she talk that language with? A My mother.
- Q Did your mother speak Choctaw? A Yes, sir.
- Q Why did you not learn it? A I used to talk a little but have forgotten it.

- Q You say you lived in Muskogee five years? A Yes.
- Q You came from Oklahoma here? A Yes, sir.
- Q How old would your grandfather, Hector, or your grandmother, Pasie, be if living now? A I don't know.
- Q You don't know how old he would be if now living? A He would be close to 100 years old.
- Q Do you know when and where either of them were born? A No, sir.
- Q Did they both live in Mississippi? A Yes, sir.
- Q Did they die there? A Yes, sir.
- Q Did they live in Mississippi in 1830 and were they the head of a family there at that time? A I guess they did.
- Q Did they have children living there then? A I don't know whether they did or not.
- Q Do you know whether they owned any land or claimed any land in that old Choctaw Nation in 1830 or not? A I do not.
- Q Did you ever hear that your grandmother, Pasie, or your grandfather Hector, went before the United States Indian Agent within six months after the ratification of the treaty and told him they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states? A I heard them talking about her.
- Q You never heard about Colonel Ward? A No, sir.
- Q Do you know whether any of your Choctaw ancestors, or whether your grandfather or grandmother, whom you claim were both full bloods, ever went to Colonel Ward, the Indian Agent, within six months after the ratification of the treaty of 1830, and selected land in Mississippi, which selection was approved by United States Locating Agent Martin, and on which they lived for five years, receiving a patent from the government therefor? A No, sir I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A It is too far back to say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A I don't know.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of the fourteenth article of that treaty, to go within six months after the ratification thereof to Colonel Ward, the Indian Agent, and tell him they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to register. This neglect on the part of Colonel Ward caused a great many of the Choctaws to lose their land in the old Choctaw Nation, upon which they had improvements, both lands and improvements having been taken by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress approved March 3rd of that year, Congress appointed a Commission, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions appointed in 1837 and in 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir, I do not.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A Not that I knew of.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their right claim under article fourteen of the treaty of 1830, and also proved that they had their land in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any witness that you want to call before the Commission? A Yes, sir.
- Q What do you want to prove by Mingo? A That he knew my grandmother in Mississippi.
- Q What is the name of your other witness? A Charles Freeman.
- Q What do you want to prove by him? A That he knew my grandmother.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry, being composed of white, negro and Indian blood. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830. His hair is black and a little wavy--curly in front; mustache black and straight; color of complexion darker than that of Mingo, a full blood Choctaw Indian, who comes as a witness, and not so dark as the witness, Charles Freeman, who is a full blood negro. Applicant has the features of either an Indian or a white man.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, and taken on the 1st day of October, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 11 day of October, 1902.

Guy L. V. Emerson
Notary Public.

#6326 Witness.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. October 1, 1902.

Mingo In-pun-nubbee, being first duly sworn, testified as follows as a witness in the case of Nelson H. White, et al., M.C.R. #6326.

Examination by the Commission:

- Q What is your name? A Mingo In-pun-nubbee
Q Where do you live? A South McAlester.
Q How old are you? A Seventy-one.
Q Are you a full blood Choctaw? A Full blood.
Q Where were you born? A In Mississippi.
Q Where were you born in Mississippi? A Mississippi in Jasper County.
Q Do you know this man Nelson White? A Yes.
Q How long have you known him? A Twenty years.
Q Did you know him in Mississippi? A Yes.
Q Did you see him there? A Yes, when he was a little fellow.
Q You never saw him--you saw his mother? A Yes.
Q You did not see him in Mississippi? A I knew his mother.
Q What was her name? A Pasie.
Q That was his grandmother? A Oh, yes.
Q Did you know his mother? A No, sir.
Q You knew Pasie? A Yes.
Q Was that his grandmother? A Grandmother.
Q How do you know it was his grandmother? A Because I see his mother.
Q Did you know his mother? A Yes, but I can't call her name.
Q Is his mother dead? A Yes.
Q Did you know his father? A No. I was little boy.
Q Did you ever speak Choctaw with his mother? A Yes.
Q Where did she live? A Mississippi.
Q Where? A Newton County.
Q Where did you see Nelson White first? A I see him down here in Choctaw Nation.
Q How long ago? A Two or three weeks ago.
Q Then he told you about his grandmother? A Yes.
Q And he said he was the grandson of Pasie? A Yes.
Q He told you he was the son of Rosie? A I knew his mother.
Q But you did not know him until two or three weeks ago? A Yes.
Q Down at South McAlester? A Yes. But I knew his mother was full blood.
Q What was her name? A I can't call it, I was little boy then.
Q Are you talking about his grandmother? A No, his mother.
Q Where did Pasie die? A In Mississippi.
Q Do you know when? A No, I was a boy when she was a grown woman.

- Q Did you know his mother? A Yes.
Q Did you know her well? A Yes.
Q Did she talk Choctaw? A Oh, yes.
Q Where did his mother die? A In Mississippi.
Q How old was she when she died? A I can't tell that, I was a little boy.
Q Did you ever hear that his mother, or his grandmother, or any of his folks, went to the Indian Agent and told him they wanted to stay in Mississippi, take land there and become citizens of the states? A I never hear anything about that.
Q Did they have any land there at all? A No.
Q Never had any land or claimed any land there? A No.
Q And you don't know anything about article fourteen of the treaty of 1830? A I heard about it.
Q You don't know whether his grandmother complied with that treaty or not? A No.
Q You knew his mother and his grandmother and you believe they were full bloods? A I talked to them--he is all right.
Q You did not know him until three weeks ago? A I knew his mother.
Q You don't know anything more about it? A That is enough I reckon.
Q How much Choctaw blood do you think this man has? A I think it is one-half.
Q That is what you think? A Yes, he is one-half.
Q Why don't he talk Choctaw if his mother did? A I expect she died when he was little.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above examination, taken on the 1st day of October, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said examination on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 11 day of October, 1902.

Guy L. Emerson
Notary Public.

#6326.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. October 1, 1902.

Charlie Freeman, being first duly sworn, testified as follows as a witness in the case of Nelson E. White, Et al, M. C. R.
#6326.

Examination by the Commission.

- Q What is your name? A Charlie Freeman.
Q Where do you live? A At McAlester.
Q South McAlester? A Old McAlester.
Q How old are you? A Near 80 odd years.
Q Are you a full blood negro? A Yes I am a negro.
Q Have you any relatives in the Choctaw Nation? A I married a Choctaw.
Q You have rights as a citizen have you? A Yes, sir.
Q I don't suppose you work much now do you? A Not much.
Q What do you know about Nelson White being a Choctaw Indian? A I knowed his mother.
Q What was his mother's name? A Rosie.
Q Did you know Rosie? A Yes.
Q Where? A In Mississippi.
Q I suppose you were a slave down there? A Yes, sir.
Q Were you a slave of an Indian or a white man? A I was living with an Indian.
Q You had an Indian master? A Oh, yes.
Q Then you came from Mississippi to the Territory? A No to Texas.
Q Did his mother Rosie die in Mississippi? A No, sir, I don't know.
Q I was sold to a white person and brought to Texas.
Q Did you ever see Nelson White in Mississippi? A I don't know if I see him.
Q How long have you know him? A I have not knowed him very long.
Q Well how do you know that Rosie was his mother? and that Pasie was his grandmother? A He said they was, and he called their name so good.
Q He came to you and told you that his mother's name was so and so and that his grandmother's name was so and so? A Yes, he told me.
Q Just what I want to ascertain is how you know it? A I did not see him with them.
Q When he told you who his mother and grandmother were you said you knew them? A Yes, I knew their names.
Q Now suppose he is the son of this Rosie you knew; did she talk the Choctaw language? A Yes, sir.
Q Do you speak the Choctaw language? A Not much.
Q Did she look like a colored woman or an Indian? A She looked like an Indian woman, like a full blood Indian.
Q Where did Rosie live? A In Newton County, Mississippi.

- Q When did you see her last? A It has been a long time ago.
Q How much younger than you was she? A As for my part I am near 80 years old.
Q Was she younger? A Yes she looked to be younger than me.
Q Did you know her mother? A No, sir, I was not acquainted with her mother.
Q What was her grandmother's name? A I forget, it has been a long time. One of them was Pasie and one of them Rosie Tamer--I don't know which was his grandmother.
Q Do you know what Rosie's father's name was? A No, sir.
Q How did you ever hear of the treaty of 1830? A No, sir I never did.
Q Did you ever hear that Pasie, or her daughter, Rosie, or any of the old kin folks of this applicant, went to the United States Indian Agent and told him they wanted to stay in Mississippi, take land there and become citizens of the states? A No, sir, I never knowed about it; I heard it talked about.
Q You don't know whether they had any deed or patent to land in Mississippi from the government? A No.
Q You never heard that Rosie had any land, or her mother? A No.
Q You don't know anything about that treaty of 1830 at all? A No, sir, I could not tell anything truthful about it.
Q I want you to look at this man and tell me how much Choctaw blood he has? A He has some Choctaw.
Q How much do you think? A He looks like he was a quarterroon.
Q And he looks like he had some negro blood? A He is part Choctaw and part negro.
Q He looks if he ought to speak Choctaw? A Yes, but his mother died when he was small.
Q Is there anything more you would like to say about this case? A I don't reckon there is.

This witness is a full blood negro, about 70 or 80 years of age, and is a man of considerable intelligence.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled examination, taken on the 1st day of October, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said examination on said date.

R. B. Eisenberg

Sworn and subscribed to before me this 11 day of October, 1902.

Guy L. Emerson
Notary Public.

#6326 Witness.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, I. T. October 1, 1902.

Mingo In-pun-nubbee, being first duly sworn, testified as follows as a witness in the case of Nelson E. White, et al., M.C.R. #6326.

Examination by the Commission:

- Q What is your name? A Mingo In-pun-nubbee
Q Where do you live? A South McAlester.
Q How old are you? A Seventy-one.
Q Are you a full blood Choctaw? A Full blood.
Q Where were you born? A In Mississippi.
Q Where were you born in Mississippi? A Mississippi in Jasper County.
Q Do you know this man Nelson White? A Yes.
Q How long have you known him? A Twenty years.
Q Did you know him in Mississippi? A Yes.
Q Did you see him there? A Yes, when he was a little fellow.
Q You never saw him--you saw his mother? A Yes.
Q You did not see him in Mississippi? A I knew his mother.
Q What was her name? A Pasie.
Q That was his grandmother? A Oh, yes.
Q Did you know his mother? A No, sir.
Q You knew Pasie? A Yes.
Q Was that his grandmother? A Grandmother.
Q How do you know it was his grandmother? A Because I see his mother.
Q Did you know his mother? A Yes, but I can't call her name.
Q Is his mother dead? A Yes.
Q Did you know his father? A No. I was little boy.
Q Did you ever speak Choctaw with his mother? A Yes.
Q Where did she live? A Mississippi.
Q Where? A Newton County.
Q Where did you see Nelson White first? A I see him down here in Choctaw Nation.
Q How long ago? A Two or three weeks ago.
Q Then he told you about his grandmother? A Yes.
Q And he said he was the grandson of Pasie? A Yes.
Q He told you he was the son of Rosie? A I knew his mother.
Q But you did not know him until two or three weeks ago? A Yes.
Q Down at South McAlester? A Yes. But I knew his mother was full blood.
Q What was her name? A I can't call it, I was little boy then.
Q Are you talking about his grandmother? A No, his mother.
Q Where did Pasie die? A In Mississippi.
Q Do you know when? A No, I was a boy when she was a grown woman.

- Q Did you know his mother? A Yes.
Q Did you know her well? A Yes.
Q Did she talk Choctaw? A Oh, yes.
Q Where did his mother die? A In Mississippi.
Q How old was she when she died? A I can't tell that, I was a little boy.
Q Did you ever hear that his mother, or his grandmother, or any of his folks, went to the Indian Agent and told him they wanted to stay in Mississippi, take land there and become citizens of the states? A I never hear anything about that.
Q Did they have any land there at all? A No.
Q Never had any land or claimed any land there? A No.
Q And you don't know anything about article fourteen of the treaty of 1830? A I heard about it.
Q You don't know whether his grandmother complied with that treaty or not? A No.
Q You knew his mother and his grandmother and you believe they were full bloods? A I talked to them--he is all right.
Q You did not know him until three weeks ago? A I knew his mother.
Q You don't know anything more about it? A That is enough I reckon.
Q How much Choctaw blood do you think this man has? A I think it is one-half.
Q That is what you think? A Yes, he is one-half.
Q Why don't he talk Choctaw if his mother did? A I expect she died when he was little.

R. B. Eisenberg, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above examination, taken on the 1st day of October, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said examination on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 11 day of October, 1902.

Guy L. Emerson
Notary Public.

GOPY:

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Nelson E. White, et al.
for identification as Mississippi Choctaws, M.C.R. 6326.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Nelson E. White for himself and his five minor children, Cornelius, Oralee, Meltsey, Rita and Hannabal White, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant herein claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Pasie Tamer and Hector Tamer, who are alleged to

have been full-blood Choctaw Indians, and to have resided in Mississippi in eighteen hundred and thirty, and that the minor applicants herein claim said rights by reason of being descendants of the above named ancestors and Mildred White, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Pasis Tamer, or Hester Tamer, or Mildred White, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder, to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nelson

E. White, Cornelius White, Grace White, Maltay White, Nita White and Hannah White, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Breckinridge.

COMMISSIONER.

(SIGNED)

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory.

NOV 21 1903

Miss. Choctaw 6326

Muskogee, Indian Territory, October 22, 1902.

Nelson F. White,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage certificate between N. F. White and Millie Wilson, which is offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Respectfully,

Acting Chairman.

COPY.

Muskegee, Indian Territory, November 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of November 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Nelson E. White et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the acts of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nelson E. White, Cornelius White, Oratee White, Holtsey White, Nita White and Hannabal White, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file argument in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.
Chairman.

COPY.

Muskogee, Indian Territory, December 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Nelson B. White, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 21, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. M.C.R. 5326.

COPY.

Muskogee, Indian Territory, November 21, 1903.

Nelson E. White,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of November 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Nelson E. White et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of the Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nelson E. White, Cornelius White, Oralee White, Holtsey White, Rita White and Hannabal White, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

(2)

office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

ED Tame Tishu
Chairman.

Registered.

Land.

79,953-1903. DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 20, 1904.

(COPY).

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Nelson E. White for the identification of himself and his five minor children, Cornelius, Oralee, Holtsey, Wita and Hanrah Ball White, as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission November 21, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from Pasie and Hector Tamer, and the minor applicants also claim through Mildred White, it being claimed that they are Choctaw Indians and that Pasie and Hector Tamer were residents of Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830. A careful investigation of the records of this office has been made with reference to Pasie Tamer and Hector Tamer and Mildred White, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty. Neither does it appear that they applied to the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of their rights, if any they had, as Choctaw In-

dians.

This being the case, it is the opinion of this office that the decision of the Commission rejecting the applicants is correct and I concur in that finding and recommend its approval.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

(C.T.C.) P.

DC.3646-1904.

(COPY).

V.C.P.

FHE.

ITD.504-1904.

DEPARTMENT OF THE INTERIOR

WASHINGTON,

JANUARY 26, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

December 7, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Nelson E. White for himself and his five minor children, Cornelius, Oranee, Holtsey, Nita and Hannibal White, including your decision of November 21, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaw Indians on their descent from Paste Tamer and Hector Tamer, grandparents of the principal applicant, Nelson E. White, it being alleged that said ancestors were full-blood Choctaw Indians, and residents of Mississippi in 1830. Mildred White, mother of the minor applicants herein, is also alleged to have been possessed of some Choctaw Indian blood.

Neither the evidence furnished by the record, nor the records of the Indian Office, show that said ancestors ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter January 20, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, February 8, 1904.

Nelson N. White,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 26th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Nelson N. White et al., of which decision you were advised by registered mail on the 21st day of November, 1903.

Respectfully,
(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY:

M.C.R. 6326

Muskogee, Indian Territory, February 8, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of January 26, 1904, affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Nelson B. White et al., of which decision you were advised by mail on the 21st day of November, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Freedman.

Date OCT 1 1892
Name Nelson E. White

Age 46 — Blood 1/2

Post Office, Murfreesboro, T.

Father, Ben White " d.

Mother, Rosie " d.

Claims through mother (full)
Wife.

Mildred White

part 1/2 blood

No claim for wife -

Children:

Cornelius White, 10

Oralle " F. 7

Hottley " M. 6

Nita " F. 3

Hannabel " M. 11 m.

Claims for self &
5 minors

Stenographer A. B. Eienberg. -

Choctaw MCR 6327

William H. Coker

MCR 6327

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William H. Coker, et al.,
for identification as Mississippi Choctaws, M.C.R. 6327.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of William H. Coker, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the application of William H. Coker, et al., for identification as Mississippi Choctaws-----	5

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 2, 1902.

In the matter of the application of William H. Coker for the identification of himself and his minor child Leslie R. Coker as Mississippi Choctaws.

Applicant represented by B. Heard Attorney at Law.

William H. Coker being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William H. Coker.
Q What is your age? A Thirty eight.
Q What is your post office address? A Arapaho, O.T.
Q What state or Territory? A Oklahoma.
Q How long have you lived there? A Lived there eight years in December.
Q Where were you born? A North Carolina.
Q From there you went where? A To Texas.
Q Where did you live in Texas? A Williamson County.
Q How long did you live in that county? A About three years.
Q From there where did you go? A Arapaho.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Francis G. Coker.
Q What was your mother's name? A Sally Coker.
Q Do you claim your Choctaw blood through your father or mother?
A Through my father.
Q How much Choctaw blood do you claim? A One eighth.
Q You claim one fourth for him? A Yes sir.
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory?
A No sir not that I know of.
Q Have you the proof of the marriage of your father and mother with you now? A No sir; I can get it.
Q Do you know when and where they were married? A North Carolina.
Q Do you know what place? A A place called White Hoyt at that time; Seven Springs now.
Q What date? A I don't know.
Q Are you married? A Yes sir.
Q What is your wife's name? A Carrie Coker.
Q She is living? A Yes sir.
Q Is she a white woman or Indian? A White woman.
Q Do you make any claim for her? A No sir.
Q What is the name of your child? A Leslie R. Coker.
Q Boy? A Boy.
Q Is that all the children you have? A All the children, yes sir.
Q How old is he? A Eight years old.
Q Do you claim for yourself and him? A Yes sir.
Q Is Carrie Coker the mother of this boy? A Yes sir.
Q Do you and she live together as husband and wife and is he living with you? A Yes sir.
Q Were either of you married before you married each other?
A No sir.
Q Where were you married to your wife? A Georgetown Texas.

- Q Do you remember the day of the month and year? A '93, the 12th day of July I believe.
- Q Have you the proof of that marriage with you? A I haven't it with me; I can get it though.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with your sons? A No sir.
- Q Have you ever made application for him or for yourself? for citizenship in the Choctaw Nation to the Choctaw tribal authorities or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A None except what I'm trying to do here.
- Q Have you or he ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application for him or yourself you have ever made? A Yes sir.
- Q Do you now come before the Commission to identify yourself and this son as a Mississippi Choctaw? A Yes sir.
- Q Claiming under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A I can't say that I do thoroughly.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year and was made for the purpose of removing the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians and in order to protect their interests article fourteen was drafted and put into the treaty; the treaty was then signed and afterwards became ratified on the 24th day of February 1831; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional line of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I don't know.
- Q What is the name of your ancestor through whom you make this claim now? A Jim Coker.
- Q What relation to you was he? A My grandfather.
- Q How much Choctaw blood did he have? A One half.
- Q He's your father's father? A Yes sir.
- Q Do you know who his father was, or who his mother was?
- A I don't know.

- Q Did Jim Coker your grandfather live in Mississippi in 1830 and have a family of children there then? A He lived there at that time; my father was born later after living there.
- Q But you know that your grandfather Jim Coker was living in 1830 there do you. A Yes sir he lived there in 1833.
- Q Was he the head of a family in Mississippi at that time.
- A Head of a family?
- Q Did he have a Choctaw Indian name or speak the Choctaw language? A I cant tell you.
- Q How old would he be if living now? A I cant tell you; I never saw him; dont know what his age would be.
- Q You dont know when and where he was born nor when and where he died? A He died in North Carolina before I was born.
- Q Do you know when? A I cant tell you.
- Q Or his age when he died? A No sir.
- Q Did he own any land or claim any in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830? A I dont know.
- Q Did he within six months or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi the land and become citizens of the states. A I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory between 1833 or 1838? I cant tell you.
- Q Did any of them own improvements on land in the old Choctaw Nation in 1830? A I dont know.
- Q This article fourteen of the treaty of 1830 provided that if any of the Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified wanted to take advantage of article fourteen they would be required to go to the agent within six months after the ratification of the treaty and register under that article before this agent; then they could stay in Mississippi and if they lived upon land for five years they could get a patent to it from the government; after that if they wished to go to the Choctaw Nation Indian territory they could do so and become citizens in that nation; a good many Indians registered under article fourteen before Colonel Ward within the time limited in that article whose names Colonel Ward neglected to put upon his list known as Ward's register; because of this neglect as do so Indians who had land in the old Choctaw Nation had both land and improvements on that land taken from them by the government and sold at its public land sales; this caused a great many complaints among the Choctaw Indians so that in 1837 as well as in 1842 commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.
- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians? A I dont know.
- Q Did any of your Choctaw ancestors live upon land in the old Choctaw Nation either in Mississippi or Alabama for five years and then receive a patent of that land from the government.
- A I cant tell you.
- Q And you dont know whether any of them ever came to the Indian territory from the Choctaw Nation? A No sir.
- Q At any time? A No sir.

William H. Coker 4

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi or Alabama or Arkansas or Louisiana? A I don't know sir.

This scrip was issued under an act of Congress approved August 23 1848 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also further proved that they had their land taken from them in the old Choctaw Nation and sold by the government.

Q Have you any documentary or any other evidence you want to file at this time? A Not at this time.

Q Do you want thirty days time? A (Mr. Heard) Yes sir.

Thirty days time is allowed on motion of Mr. Heard Counsel for this applicant in which to file other testimony.

Q Do you speak Choctaw. A No sir.

Examination by Mr. Heard attorney for applicant:

Q What information you have is from your father as to your Choctaw blood? A What I've heard my father say.

Q The testimony you propose to introduce is to show your blood? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; light brown mustache; ruddy complexion; blue eyes; has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830. And does not speak or understand the Choctaw language.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 2nd day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 6th day of October 1902

Guy L. V. Emerson
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William H. Coker, et al.,
for identification as Mississippi Choctaws, M.C.R. 6327.

--- DECISION ---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by William H. Coker for himself and his minor child, Lealie H.
Coker, under the following provision of the act of Congress approved
June 22, 1906 (34 Stat., 498):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that both of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Jim Coker, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jim Coker, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William M. Coker and Leslie B. Coker, as Choctaw Indians entitled

to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: Tame Dixie
Acting Chairman.

SIGNED: T. B. Needles
Commissioner.

SIGNED: C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory.

FEB 2 1903

COPY.

M.C.P. 6327

Muskogee, Indian Territory, February 2, 1903.

William H. Coker,

Arapaho, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William H. Coker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Coker and Leslie R. Coker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

William H. Coker,--2

case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Parby.

Acting Chairman.

Registered.

COPY

M.C.R. 6327

Muskogee, Indian Territory, February 2, 1903.

S. Heard, Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William H. Coker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Coker and Leslie R. Coker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which o

S. Heard,--2

to file arguments in this office, and that at the expiration of
said time the papers in the case, together with such arguments
will be forwarded to the Secretary of the Interior through the
Comptroller of Indian Affairs.

Respectfully,

SIGNED,

Tams Birby.
Acting Chairman,

Registered,

COPY.

Muskogee, Indian Territory, February 2, 1903.

Hansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William H. Coker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Coker and Leslie R. Coker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

COPY

Muskogee, Indian Territory, February 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William H. Coker, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 8, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamm Dixey.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures- M.C.R. 6327

Land.
12,815-1903.

COPY

Department of the Interior,
Office of Indian Affairs,
Washington, April 2, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of William H. Coker for the identification of himself and his minor child, Leslie R. Coker, wherein a decision adverse to the applicants was rendered by the commission on February 2, 1903

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws because of their descent from Jim Coker, who, it is alleged, was a Choctaw Indian, and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of the ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Jim Coker, and it is discovered that

-2-

His name does not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of said treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved .

Very respectfully,

A.C. Tenner,

Acting Commissioner.

(E.B.H.)

P.

12132

C O P Y.

FHE

DEPARTMENT OF THE INTERIOR.
W A S H I N G T O N.

I.T.D. 3576-1902.

April 22, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of William H. Coker (M.C.R. 432?), for himself and his minor child, Leslie R. Coker, including your decision of February 2, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Jim Coker, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter April 2, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

1 inclosure.

Thos. Ryan
Acting Secretary.

M.C.R. 6527

COPY

Muskogee, Indian Territory, May 4, 1903.

William H. Coker,

Arapaho, Oklahoma:

Dear Sir:

You are hereby notified that on the 23rd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaw, of the several persons included in the case of William H. Coker, et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

WATSON.

James Pixby.
Chairman.

COPY.

Muskogee, Indian Territory, May 4, 1903.

S. Heard,

Attorney at Law,

Ada, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William H. Coker, et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

SIGNED.

Jane Dixby.

Chairman.

COPY

Muskogee, Indian Territory, May 4, 1903.

Mansfield, Maffurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William H. Coker, et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

Tame Kirby
Chairman.

For Identification as a Mississippi Choctaw.

No.

Name William H. Carter

Age 38 Blood 1/8

Post Office, Kapahe, Okla -

Father Francis C. Carter, l.

Mother Sally " d

Claims through father, 1/4 -

Wife, Carrie Carter, l. w.

No claim for wife,

Children

Leslie R Carter, M. 8

Claims for self
& son

Stenographer Clara McIntosh Wood

Choctaw - MCR 6328

Baxter T. Thompson

See MCR 6428, 6429, 6430
6431

MCR 6328

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Baxter T. Thompson, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Baxter T. Thompson, et al.,	M.C.R. 6328
Lulu Stelzer, et al.,	M.C.R. 6428
Henry Thompson,	M.C.R. 6429
Leeson Thompson, et al.,	M.C.R. 6430
Everett Thompson,	M.C.R. 6431

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of Baxter T. Thompson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Lulu Stelzer, et al., to the Dawes Commission for identification as Mis- sissippi Choctaws-----	5
Original application of Henry Thompson to the Dawes Commission for identification as a Mis- sissippi Choctaw-----	8
Original application of Leeson Thompson, et al., for identification as Mississippi Choctaws-----	13
Original application of Everett Thompson to the Dawes Commission for identification as Mis- sissippi Choctaws-----	17
Decision of the Commission refusing the applications in the consolidated case of Baxter T. Thompson, et al. for identification as Mississippi Choctaws-----	21

Department of the Interior.
Commission to the five Civilized Tribes.
Muskogee, Indian Territory, October 2, 1902.

In the matter of the application of Baxter Thompson for the identification of himself and his three minor children James, Jay, and Darling Thompson as Mississippi Choctaws.

Applicant represented by John London, Attorney at law.

Baxter Thompson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thompson/ Baxter Thompson.
Q What is your age? A Fifty four.
Q What is your post office address? A Alma Arkansas.
Q How long have you lived in Alma? A I believe about twenty years, I guess.
Q Where were you born? A In Georgia.
Q Where in Georgia? A Chatoga County.
Q How long did you live in Georgia? A I reckon I was there about five or six years when my father left there.
Q Then you went to Arkansas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Baxter Thompson.
Q What is your mother's name? A Rachel.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A Why I suppose grandmother was a full blood; you can count it up.
Q I would like to have you count it up; your father would be half of that wouldn't he? A Yes sir.
Q That would be half; you would be a quarter. A Yes sir I reckon that would be the way you would count it.
Q Was your father ever recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir not as I know of.
Q Can you state when and where your father and mother were married? A Why no; I can't exactly.
Q Do you know the exact date of their marriage? A No sir.
Q Were they married by a minister under a license; can you tell that? A I don't know.
Q Have you the proof of that marriage with you? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Jane, Ruthie Jane Thompson.
Q Is she living? A Yes sir.
Q Is she an Indian or white woman? A White woman.
Q Do you make any claim for her? A No sir.
Q How many children under age and unmarried have you? A I've got three under age.
Q How old is the eldest under age? A He's fifteen years old.
Q And what is the name of that child? A James.
Q What is the name of the next child? A Jay; I named her after Jay Gould.
Q Is that a boy? A Girl.
Q How old is Jay? A I guess she's about fourteen.

- Q What is the name of the next child? A We call her Darling; she has never been named.
- Q How old is Darling? A She's nine.
- Q That's a girl too. A Yes sir.
- Q You claim for yourself and three children do you? A Yes sir.
- Q Is Ruthie Jane Thompson the mother of these three children?
- A Yes sir.
- Q Do you and your wife live together as husband and wife and are these children living with you at your home? A Yes sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory?
- A No sir.
- Q When and where were you married to your wife? A I was married in March 1869.
- Q What place. A In Fulton County Arkansas.
- Q Have you the proof of that marriage with you now? A No sir.
- Q Have you ever made application for yourself and your children for citizenship in the Choctaw nation to either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q You never have been admitted by those authorities? A No sir.
- Q Have you ever made application for citizenship in the Choctaw nation to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896 for yourself and children? A No sir.
- Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q And claim under article fourteen of the treaty of 1830.
- A Yes sir.
- Q Do you understand that article? A Well partly.
- Q Not altogether? A No sir not altogether.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Pandung Rabbit Creek in Mississippi on the 27th day of September 1830; it became known before the treaty was signed that a good many Choctaw Indians would refuse to go to the Choctaw nation Indian Territory under the treaty and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw nation article fourteen was put into the treaty; then the treaty was signed and afterwards became ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty.

Baxter Thompson 3.

- A I dont know anything about that.
- Q You understand that well enough now do you not Mr Thompson to claim under it? A How's that?
- Q You understand that article - the general provisions of it do you not well enough to claim under it? A Yes sir.
- Q Now do you know the name of this ancestor of yours who lived in Mississippi in 1830 or in Alabama in the old Choctaw nation and was the head of a family there at that time?
- A Rice.
- Q What is the full name? A Patsey Rice.
- Q Was that a man or woman? A Woman.
- Q What relation to you? A Grandmother.
- Q Was that her maiden name or married name? A Maiden name.
- Q Whom did she marry? A Married my grandfather William Thompson.
- Q Was he a white man? A Yes sir.
- Q How much Choctaw blood did Patsey Rice your grandmother have?
- A Why she was a full blood I suppose.
- Q What makes you think she was? A That's what I've been told; that's all I know about it.
- Q Who told you that she was a full blood? A Father.
- Q Did she live in Mississippi in 1830. A I dont know sir whether she did or not.
- Q Did she have a family of children living there at that time.
- A My father was born in Tennessee; I dont know anything about that.
- Q Your grandfather William was born in Tennessee? A I dont know where he was born at.
- Q You say your father was born in Tennessee. A Yes sir.
- A Yes sir.
- Q And your father would be how old if living now? A Let me see; he died in '69 and he was sixty five I believe when he died. I believe that was his age; I'm not positive.
- Q Do you know whether your grandmother Patsey Rice owned any land or claimed any land in that old Choctaw nation east of Mississippi river under article fourteen of the treaty of 1830? A I dont know.
- Q Do you know whether she lived in Mississippi in the old Choctaw Nation or in Alabama and lived upon land which she had received from the government under article fourteen for five years, and after that received a patent from the government for that land? A I dont know.
- Q Did she or any of your Choctaw ancestors remove from the old Choctaw nation and go to the Choctaw nation Indian territory from there with the other Indians between 1833 and 1838 or forty or any other time? A I dont know anything about that.
- Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward tell him they wanted to stay in Mississippi take land there and become citizens of the states? A I dont know.
- Q Did any of them own any improvements on land in that old Choctaw nation in 1830 or thirty one? A I dont know anything about it.

The Choctaw Indians who stayed back in the old Choctaw nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register and as a result of his neglect a great many Choctaw Indians who had land in that old Choctaw nation upon which they had improvements had them taken from them by the government and sold; this caused so many complaints among the Choctaw Indians that in 1837 as well as in 1842 by various

acts of Congress commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of those two commissions and claimed any benefits as Choctaw Indians? A I dont know.
- Q Did they any of them receive any scrip from the government under the act of Congress approved August 23, 1842? A I dont know

This scrip was issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you speak the Choctaw language? A No sir.
- Q You have some children who are married? A Two
- Q What are the names of those children? A Louisia is one.
- Q What is her fullname? A Louisa Stelzer.
- Q And where does she live? A Now?
- Q Yes. A She lives in Texas now Montague County, Montague post office.
- Q Where does the next child live. A The next one lives at Alma Arkansas.
- Q What is the name of that one? A William Young.
- Q Is he married? A Yes sir.
- Q Has he children? A One.
- Q What is the name of that child? A Grace.
- Q Has your daughter any children? A One.
- Q What's the name of that child? A Albert.
- Q Have you any evidence you want to present now in support of this claim? A No sir.

By John London Attorney for applicant: We want time in which to present further testimony in this case and to bring those children before the Commission.

By the Commission: How much time do you want Mr. London.

By Mr. London: A Thirty days to get the testimony; I dont know when the children will be up.

Thirty days time is allowed this applicant on motion of attorney for applicant in which to file further testimony in this case.

Applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair, nearly black; dark brown whiskers, somewhat gray; mustache is lighter brown; his eyes are black; complexion medium dark; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 2nd day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date

Subscribed and sworn to before me this 2nd day of October 1902

C.W.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---&---

In the matter of the application of Baxter T. Thompson, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Baxter T. Thompson, et al.,	M.C.R. 6329
Lulu Stelzer, et al.,	M.C.R. 6428
Henry Thompson,	M.C.R. 6430
Leven Thompson, et al.,	M.C.R. 6436
Everett Thompson,	M.C.R. 6437

---&---
DECISION

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Baxter T. Thompson for herself and her three minor children,
James, Jay and Darling Thompson; by Lulu Stelzer for herself and her
minor child, Albert Brendan Stelzer; by Henry Thompson for himself;
by Leven Thompson for himself and his two minor children, Grace and
Stelzer Thompson; and by Everett Thompson for himself, under the
following provision of the act of Congress approved June 30, 1906
(34 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Patsy Thompson (nee Rice), who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been expelled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said Article Fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Patsy Thompson (nee Rice), or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply

-3-

with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Baxter T. Thompson, James Thompson, Jay Thompson, Darling Thompson, Lulu Stelzer, Albert Dresden Stelzer, Henry Thompson, Leesa Thompson, Grace Thompson, Stelzer Thompson and Everett Thompson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

James Bixby.

Acting Chairman.

SIGNED

T. B. Needles

Commissioner.

SIGNED

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

APR 15 1903

M C R 6328

COPY

Muskogee, Indian Territory, April 15, 1903.

Baxter T Thompson,

Alma, Arkansas.

Dear Sir:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Baxter T. Thompson, et al., embracing the following applications for identification as Mississippi Choctaws:

Baxter T. Thompson, et al.,	M C R 6328
Lulu Stelzer, et al.,	M C R 6428
Henry Thompson,	M C R 6429
Leeon Thompson, et al.,	M C R 6430
Everett Thompson,	M C R 6431

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Baxter T. Thompson, James Thompson, Jay Thompson, Darling Thompson, Lulu Stelzer, Albert Brecken Stelzer, Henry Thompson, Leeon Thompson, Grace Thompson, Stelzer Thompson and Everett Thompson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of September twenty-seventh, and that the applications for their identification as such

B T T 2

should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamr Bixby.

Registered.

Chairman.

COPY.

Muskogee, Indian Territory, April 13, 1903.

John London,

Attorney at Law.

Poteau, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Baxter T. Thompson, et al., embracing the following applications for identification as Mississippi Choctaws:

Baxter T. Thompson, et al.,	M C R 6328
Lulu Stelzer, et al.,	M C R 6428
Henry Thompson,	M C R 6429
Leeson Thompson, et al.,	M C R 6430
Everett Thompson,	M C R 6431

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Baxter T. Thompson, James Thompson, Jay Thompson, Darling Thompson, Lulu Stelzer, Albert Dresden Stelzer, Henry Thompson, Leeson Thompson, Grace Thompson, Stelzer Thompson and Everett Thompson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions

J L 2

of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. L. 2)

Registered,

Jams Bixby.
Chairman.

COPY.

Muskogee, Indian Territory, April 15, 1903.

Mansfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Baxter T. Thompson, et al., embracing the following applications for identification as Mississippi Choctaws:

Baxter T. Thompson, et al.,	M C R 6328
Lula Stelzer, et al.,	M C R 6428
Henry Thompson,	M C R 6429
Leon Thompson, et al.,	M C R 6430
Everett Thompson,	M C R 6431

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Baxter T. Thompson, James Thompson, Jay Thompson, Darling Thompson, Lula Stelzer, Albert Dresden Stelzer, Henry Thompson, Leon Thompson, Grace Thompson, Stelzer Thompson and Everett Thompson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file

arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Parker

Chairman.

COPY

Muskogee, Indian Territory, May 1, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Baxter T. Thompson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 15, 1905.

The above consolidated case embraces the following original applications heard by the Commission:

Baxter T. Thompson, et al.,	M.C.R. 6328
Lulu Stelzer, et al.,	M.C.R. 6428
Henry Thompson,	M.C.R. 6429
Leon Thompson, et al.,	M.C.R. 6430
Everett Thompson,	M.C.R. 6431

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNATURE)

Tamie Bixby

Chairman

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 6328

Land.
28792-1904.

DEPARTMENT OF THE INTERIOR. (COPY)
OFFICE OF INDIAN AFFAIRS.
WASHINGTON, June 11, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of Baxter T. Thompson, for the identification of himself and his three minor children, James, Jay and Darling Thompson, by Lula Stelzer for herself and her minor child, Albert Dresden Stelzer, by Henry Thompson for himself, by Leon Thompson for himself and his two minor children, Grace and Stelzer Thompson, and by Everett Thompson for himself, as Mississippi Choctaws, wherein a decision rejecting the was rendered by the Commission on April 13, 1903.

The record in this case shows that the applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Patsy Thompson nee Rice, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830. She was married to a white man named William Thompson. As to whether this ancestor, Patsy Thompson nee Rice, complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, the witnesses are unable to definitely state.

The Commission rejected the applicants for the reason that its records failed to show that Patsy Thompson nee Rice complied or attempt-

ed to comply with the provisions of the Fourteenth Article of the Choctaw Treaty or the subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the names of Patay Rice, Patay Thompson and William Thompson, and it is ascertained that there was a William Thompson, a citizen of the Choctaw Nation in Mississippi in 1830, who received a quarter section of land under the provisions of the Nineteenth Article of the Choctaw Treaty of that year, the description of land being the northwest quarter of Section 31, township 22 north, range 4 east, in Granada County, Mississippi. Subsequently he was transported to the Choctaw Nation, Indian Territory, by the United States Government, having received rations there for the first time on December 1, 1833. There were in his family at that time one male under ten years of age, one over twenty-five and under fifty, two females under ten years of age, one over ten and under twenty-five, and one male slave.

The records of the office do not show any person of the surname of Thompson or of the surname of Rice, who was a beneficiary under the Fourteenth Article of the Choctaw Treaty of 1830, or of the subsequent legislation relative thereto. There were two persons of the name of Thompson without a surname, this being the only name that they had, who were through their parents applicants for scrip under the legislation relative to the provisions of the Fourteenth Article of the Choctaw Treaty. One of these Thompsons, the son of ^{No-a-to-nubbee} ~~NEA-NUBBEE~~, received scrip, and the other belonged to a family which was denied benefits under the Fourteenth article, but it cannot be assumed that these persons were given

name was Thompson was either one the ancestor of the applicants. There was one person of the name of Patsy, a daughter of Ba-na-tubbee, in behalf of whom an application was made for scrip, but the family was rejected also for failure to fully comply with the provisions of the Fourteenth Article of the Treaty.

While it is possible the applicants herein are descendants of William Thompson, the reservee under the Nineteenth Article of the Choctaw Treaty and his Indian wife, none of them are residents of the Indian Territory, or ever have been, and consequently their applications for identification as Mississippi Choctaws cannot be considered as applications for enrollment as Choctaws by blood, under the law of May 31, 1900.

It is therefore the judgment of this office that the decision of the Commission rejecting these applicants should be approved.

Very respectfully,

A. E. Tenner,

Acting Commissioner.

E. B. H. - L. C.

DC-21485-1904.

J.W.H.

LLB

(COPY)

ITD-4864-1904.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, June 21, 1904.

Commission to the Five Civilised Tribes,

Muskogee, Indian Territory,

Gentlemen:

May 1, 1903, you transmitted the record in the consolidated case involving the application of Baxter T. Thompson et al (M.C.R. 6328), for identification as Mississippi Choctaws, including your decision of April 15, 1903, refusing to identify them as such.

Reporting in the matter June 11, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

COPY.

M.C.R. CASE

Waskogen, Indian Territory, June 20, 1904.

Baxter T. Thompson,
Alma, Arkansas,

Dear Sir:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Baxter T. Thompson et al., of which decision you were advised by registered mail on the 19th day of April, 1903.

Respectfully,

(SIGNED)

Commissioner in Charge.

COPY.

M.C.R. 6320

Muskogee, Indian Territory, June 30, 1904.

John London,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Baxter T. Thompson et al., of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,

(SIGNED)

Commissioner in Charge.

COPY.

H.C.R. 6328

Muskogee, Indian Territory, June 20, 1904.

Manfield, McMurray & Gerdish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Baxter T. Thompson et al., of which decision you were advised by mail on the 15th day of April, 1903.

Respectfully,

SIGNED

Commissioner in Charge.

Patsy Rice, f.b.
married
William Thompson, w.

Baxter Thompson 1/2
wife
Rachel Thompson,

Baxter J. Thompson 5/11/12
wife
Ruthie Jane Thompson, w.

Lulu Thompson 30 1/8
married
R. D. Stelzer, w.

Albert Dresden Stelzer, b.

Henry Thompson 28 1/8

Leon Thompson 26 1/8
wife

Della Thompson, w.

Grace Thompson 2
Stelzer Thompson, 9 da

Everett Thompson 23 1/8

James Thompson 15

Jay Thompson 14

Darling Thompson 9

ION. FREEDMEN ROLL.

FATHER	FATHER'S TRIBAL ENROLLMENT		FATHER'S OWNER	NAME OF MOTHER	MOTHER'S TRIBAL ENROLLMENT		MOTHER'S OWNER
	YEAR	COUNTY			YEAR	COUNTY	

REFER TO M. C. R 6328

Barter J. Thompson
et al

Consolidated Case

Carleton Starlin or
 Starlin Carleton or
 Starlin Carleton Lindsey
 Calvin Lindsey
 wife
 Sarah Elizabeth or
 Betsey Lindsey or
 Elizabeth Lindsey

Sarah Ann Neal
 hus
 Stephen Neal
 (or Stephen P. Neal)

mcr
 6107
 Pinkney S. Neal 9-1/2
 wife
 Sarah Jane Neal

mcr
 6053
 William Calvin Neal 57-1/2
 wife
 Elizabeth Neal

mcr
 5538
 Allan M. Davis 48-1/2
 wife
 ① Mollie M. Neal w.
 (dead)
 ② Fannie Neal w.

mcr
 6107
 Elonzo Hayden Neal 18
 " David Oliver Neal 16
 " Ira Jefferson Neal 12
 Dennis Franklin Neal
 John Pinkney Neal — see page 3
 Miles Allan Neal
 Mary Susan Neal
 mar
 Pruitt

mcr
 6083
 Louis S. Neal 14
 Mary Neal
 Sally Neal
 mar
 McNally
 Olif Neal
 mar
 Fields
 Anna Neal
 mar
 Millard Davis

allen Davis
 Davis

mcr
 5538
 Tolliver M. Neal 20
 " Ella M. Neal 15
 " Rosa E. Neal 12
 " Ira C. Neal 9
 " Benjamin F. Neal 1

* Conflict as to remote ancestors blood: as in 5538 + 5539
 testify that their grandmother, Sarah Lindsey, was
 Choc. & that her husband was white.

Consolidated Cases of
Pinkney B. Neal et al.

REFER TO M. C. R. 6107

mar
6108

Louisa Ann Elizabeth Neal 47-f

mar
John Jefferson Jones

mar
6539

(or Tolliver)

Oliver L. Neal 44- $\frac{1}{8}$

wife

Josephine Neal w.

miss
539

Allen Homer Neal 14

" Josie Isabel Neal 11

Lucas L. Neal 9

Florence Neal 7

Oxford Neal 4

Etta R. Neal 2

mar
6084

Almer S. Neal 18- $\frac{1}{16}$

mar

Thomas M. Marcum

mar
6084

Myrtle L. Marcum 2

Starlin Carleton Lindsey
wife

Elizabeth or Sarah Lindsey
(1/2)

Sarah A. Neal
(dead)

hus

Stephen Neal
(dead)

mar
6112

Sidney Johnson Neal
(dead)

mar

Alice Oliphant

Alfred Jeff Davis Neal 7

Sarah E. Neal 5

" Chary Elizabeth Neal 3

" James Thornton Neal 1

Jefferson Neal — see page 3

Franklin J. Neal — 2

Neicie Jane Neal

mar

Hilbard

Georgia A. Neal

mar

Mangrum

REF. R. 6107

Pinkey G. Neal et al

Consolidated Case

William Calvin 1/4
wife
Martha

Stephen P. Neal
wife
Sarah A. Neal 1/4
(nee Lindsey)

Mok
buck
Jeff Davis Neal, 40, 1/8
wife
Martha Ellen Neal, dead
Allie Neal, white

Fannie Neal, dead, 1/8
mar
Hury Case
Pink Massey

Court from P. I.
Pinkney G. Neal
wife
Sarah Neal

Mok
buck
Myrtle Elizabeth Neal 13
Sydney Bruce Neal 12
Ada Belle Neal 7
John Byron Neal 4

Mok
buck
Ula Case 15
Mark Massey 11
Ruth Massey 11
Ethel Massey 8

Mok
buck
John P. Neal 31, --, Mok
buck
wife
Emily Neal, w.
Laura Jane Neal, 4

For Identification as a Mississippi Choctaw.

Date

OCT 2 1902

Name Buster T. Thompson,

Age 54 Blood 1/4

Post Office, Alma, Ark.

Father: Buster Thompson, d.

Mother Rachel " d.

Claims through father 1/2

Wife

~~Ruth~~ Jane Thompson, l.w.

No claim for wife -

Children:

James Thompson, 15

Jay " (F.) 14

Watling " (F.) 9

Claims for self
and 3 minors.

Sw

Blair McIntosh

Choctaw MCR 6329

Mary E. Rogers

MCR 6329

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-0-

In the matter of the application of Mary Ellen Rogers et al.
for identification as Mississippi Choctaws, H.C.R. 6329.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Mary Ellen Rogers, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the applica- tion of Mary Ellen Rogers, et al., for identifi- cation as Mississippi Choctaws-----	5

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, October 4, 1902.

In the matter of the application of Mary Ellen Rogers for the identification of herself and her five minor children Bonnie Andy, Lillie V., Elora A., and Farmer A. Rogers as Mississippi Choctaws.

Mary Ellen Rogers being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Ellen Rogers.
Q What is your age? A I was born in '78; I'm twenty five.
Q What is your post office address? A Ambie Texas.
Q How long have you lived in Texas? A I've been living there twelve years.
Q Where were you born? A I was born in Texas.
Q Have you always lived in Texas? A No sir; I lived in the Indian Territory here a while.
Q From Texas you went to the Indian Territory and then back?
A Yes sir.
Q How long did you live in the Indian Territory? A Six years.
Q Where? A Shawnee town.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A W. Robertson.
Q What is your mother's name? A Her name is M. N. Nash; her maiden name was.
Q Do you claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A One eighth.
Q You claim he had one fourth. A Yes sir.
Q Has he ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities? A No sir not that I know of.
Q When and where was he married; do you know? A They was married in Texas.
Q What date? A I dont know.
Q Have you the proof of their marriage with you now? A Not here, no sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A R. H. Rogers.
Q Is he living and a white man? A Yes sir.
Q Do you make any claim for him? A No sir.
Q What is the name of your oldest child? A Bennie Andy.
Q Bennie A. Rogers; girl? A Yes sir.
Q How old is she? A Eight years old.
Q What is the name of the next child? A Lillie V.
Q How old is Lillie? A Six years old.
Q What's the name of the next? A Elora A.
Q How old is Elora? A She's three.
Q The name of the next? A Farmer A.

- Q How old is Farmer? A Seven months old.
Q Is that all the children you have? A Yes sir.
Q Claim for yourself and these minors do you? A Yes sir.
Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.
Q Is R. M. Rogers, the father of these children? A Yes sir.
Q Are you and your husband living together as husband and wife and these children living with you? A Yes sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
Q Have you ever made such application to the Dawes Commission for yourself and children under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your children as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Do you now come before the Commission to claim under article fourteen of the treaty of 1830 for yourself and children?
A Yes sir.
Q You want to be identified under that article do you?
A Yes sir.
Q Do you understand it? A No I don't understand it.
Q What the treaty of 1830 is? A Yes sir; we got a letter from here last Spring.
Q That letter explained it, didn't it? A Yes sir.

The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek was made at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830 between the United States government and the Choctaw Indians

- Q You understand that do you? A Yes sir.
Q And you understand the purpose of that treaty, do you not, and of article fourteen? A Yes sir, I think so.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that ar-

- title? A No sir I dont know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Stanford.
- Q What is the full name? A Why I cant tell you.
- Q You just know Stanford; is that all? A Yes sir.
- Q What relation was this Stanford to you? A My great grandmother.
- Q How much Choctaw blood did she have? A She was a full blood.
- Q Was this her maiden name or married name? A Her maiden name.
- Q Whom did she marry? A Capps.
- Q Do you know his full name? A No sir.
- Q Was he a white man? A Yes sir.
- Q Did she live in Mississippi in 1830? A Yes sir.
- Q Did she have a family of oh Maren living with her then?
- A Yes sir I think she did.
- Q Did she comply with article fourteen of the treaty of 1830?
- A I dont know whether she did or not.
- Q Did she have any land there or own any or claim any under article fourteen of that treaty; do you know? A No sir I dont know.
- Q Did she within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him she wanted to stay in Mississippi take land and become a citizen of the states? A I dont know.
- Q Did she own any improvements on land or any other of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty or any other time?
- A No sir; I dont think they did.
- Q Did any of your Choctaw ancestors, this great grandmother Stanford or any other stay in Mississippi in 1830 upon land which they received from the government under article fourteen of the treaty of 1830 and after living on it five years, get a patent to it from the government? A I dont know.
- Q Did this great grandmother Stanford speak the Choctaw language or have a Choctaw Indian name; do you know? A No sir I dont know; she spoke the language; I dont know whether--
- Q How do you know she did? A Father said she did.
- Q Did your father speak the Choctaw language? A No sir.
- Q Do you understand it or speak it? A No sir.
- Q Has your father been before the Commission? A No sir.

In 1837 as well as in 1842 commissions were appointed by various acts of Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; these commissions were appointed because these Mississippi Choctaw Indians said that they had gone to Colonel Ward the Indian agent within six months after the ratification of the treaty of 1830 and attempted to register under article fourteen of that treaty before Colonel Ward but he refused to put their names on his list and because of his refusal, the land which they had formerly occupied in the old Choctaw Nation had been taken from them by the government and sold; they went before these commissions in 1837 and 1842 to get their rights under article fourteen because they had been refused registration by Colonel Ward.

- Q Did any of your Choctaw ancestors go before either of

these commissions and claim any benefits as Choctaw Indians.

A Not that I know of.

Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip was issued under act of Congress approved August 23 1842 and was given to Indians who proved their rights under article fourteen and who further proved that their land had been taken from them and sold in the old Choctaw Nation.

Q Have any of your relatives been before this Commission to be identified as a Mixed ppl Choctaws.

A Not that I know of.

Q Dont know whether your father has? A No sir.

Q Or any other relatives of yours? A No sir.

Q You dont understand or speak the Choctaw language? A No sir.

Q Have you any evidence you want to present or any testimony of any kind you want to offer the Commission at thistime?

A No sir not any.

Q Have you any lawyer? A No sir.

This applicant has the appearance of being descended from white parentage; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830. She will be allowed thirty days from the date hereof to introduce other testimony in support of this claim.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 4th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 10th day of December 1902.

Charles H. ...

Notary Public.

Next

COPY

C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Mary Ellen Rogers, et al.,
for identification as Mississippi Choctaw, M.C.R. 6329.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaw was made to this Commission by Mary Ellen Rogers for herself and her four minor children, Bonnie Andy, Lillie V., Elora A. and Farmer A. Rogers, under the following provision of the act of Congress approved June 22, 1896 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of W. Robertson, who is alleged to have been a quarter blood Choctaw Indian.

It appears from the evidence submitted by the applicants that they claim from a more remote Choctaw ancestor than the one above given, whom they allege was surnamed Gapps (nee Stanford) a full blood Choctaw Indian and the great grand-mother of principal applicant, but as they are only able to give the surname of this ancestor it is, therefore, impossible for the Commission to determine whether or not said ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 381).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that any one by the name of W. Robertson signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to

-3-

either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ellen Rogers, Bonnie Andy Rogers, Lillie V. Rogers, Elora A. Rogers and Farmer A. Rogers, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

WRITTEN BY

Tams Dixby

Acting Chairman.

SIGNED

T. B. Needles

Commissioner.

SIGNED

C. R. Breckinridge

Commissioner.

Washington, Indian Territory,

FEB 2 1903

Miss. Choctaw 6329

Muskogee, Indian Territory, October 22, 1902.

Mary E. Rogers,

Ambia, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 15, inclosing affidavit of W. Robertson, your father, which you offer in support of your application for identification as a Mississippi Choctaw, and the same has been filed with the record in this case.

You also ask further directions in regard to establishing your claim and you are advised that at the time you made application to this Commission for the identification of yourself and your minor children as Mississippi Choctaws, on October 4, 1902, you based your claim to such identification on the fourteenth article of the treaty of 1830 which was read and explained to you.

The Commission requires of applicants for identification as Mississippi Choctaws a reasonable demonstration of the fact that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830 and who complied or attempted to comply with the provisions of article fourteen above referred to, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose.

M.R.R. 2

pose by the acts of Congress of March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Interior Department, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those

"Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty."

It would, therefore, be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that the least remote of your ancestors, who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen thereof.

Respectfully,

Acting Chairman.

Miss. Choctaw 6329

Muskogee, Indian Territory, November 6, 1902.

Mary E. Rogers,

Ambia, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 4, stating that you cannot show that your grandmother received beneficiary rights under the provisions of article fourteen of the treaty of 1830, and that you might as well give up your case.

In reply you are advised that your statements have been made a matter of record, and that, if no further evidence is offered in your case, the same will be determined upon the record as already made. As soon as a decision is reached you will be duly notified of the action of the Commission.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 6329.

Muskogee, Indian Territory, February 2, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Ellen Rogers, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ellen Rogers, Bonnie Andy Rogers, Lillie V. Rogers, Elora A. Rogers and Farmer A. Rogers, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Bixby.

Acting Chairman.

COPY

M.C.R. 6329.

Muskogee, Indian Territory, February 2, 1903.

Mary E. Rogers,
Ambia, Texas.

Dear Madam:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Ellen Rogers, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the Act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Ellen Rogers, Bonnie Andy Rogers, Lillie V. Rogers, Elora A. Rogers and Farmer A. Rogers, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together

M. E. R. #2.

with such arguments, will be forwarded to the Secretary of the
Interior through the Commissioner of Indian Affairs.

Respectfully,

WIGNED:

Tame Dixby.

Acting Chairman.

Registered.

COPY.

Waskogie, Indian Territory, February 12, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary Ellen Rogers, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 2, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James Bixby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: W.C.B. 6329

Land
12819-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, April 1, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed, herewith, record of the Commission to the Five Civilized Tribes, in the matter of the application of Mary Ellen Rogers for the identification of herself and her four minor children, Bonnie, Andy, Lillie V., Flora A. and Farmer A. Rogers, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on February 2, 1903.

The record evidence in this case shows that the applicants base their claim to identification by reason of descent from Gapps, nee Stanford, the great grandmother of the principal applicant, who it is alleged, was a citizen of the Choctaw Nation and resided in the State of Mississippi in 1830.

The Commission makes its decision rejecting these applicants on the ground that its records do not show that Gapps, nee Stanford, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of

1830.

-2-

It appears from an examination of the records of this office that the names of Gapps and Stanford do not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, and I therefore recommend that the decision of the Commission respecting these applicants be approved.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

(B.B.H.)

P.

D.O. 11662-1903.
I.T.D. 3550-1903.
IRS

(Copy)

FHB

DEPARTMENT OF THE INTERIOR.

WASHINGTON, April 30, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Mary Ellen Rogers (M.C.R. 6329), for herself and her four minor children, Bonnie Andy, Lillie V., Elora A. and Walter A. Rogers, including your decision of February 2, 1903, denying their applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of W. Robertson, who is alleged to have been a quarter blood Choctaw Indian, and one _____ Sayps (nee Stanford), the great-grandmother of the principal applicant, who is alleged to have been a full blood Choctaw Indian.

The record fails to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

-2-

Reporting in the matter April 1, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

E.C.R. 6529.

COPY.

Muskogee, Indian Territory. April 30, 1903.

Mary E. Rogers,
Ambia, Texas.

Dear Madam :

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Ellen Rogers, et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

Jame Dixby
Chairman

H.C.R. 6329.

COPY.

Muskogee, Indian Territory, April 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Ellen Rogers, et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

Tams Dixby

Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1902



ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 22 1902



ACTING CHAIRMAN.

The State of Texas } Before me, E. A. Rice a Notary
County of Johnson } Public in & for Johnson Co Texas
on this day personally appeared W. Robertson
who being by me duly sworn make an oath
the following answers to the following questions
touching the Application of Mary E. Rogers,
Applicant before Land Commission:

1st My name is W. Robertson, I am the
father of Mary E. Rogers, I am one fourth
Indi- (Mississippi Choctaw) through my
grandmother Mary Stanford

2 Q Who did she marry?

- A - She married James Robertson, my grandfather

3 Q - C. C. Robertson was my father, and was
a son of Mary ~~James~~ Robertson -
My father, C. C. Robertson married
Frances Maria Capps.

3d Q - Where did your people live?

A - They lived in Tennessee and
in Mississippi.

4 Q Did your grandmother speak the
language?

- A - They could not speak English -

5 Q - Did they ever take up any government
land?

- A - They did not that I know of or
can record of -

6 Q Did you ever live in the Ind. Ter.?

- A - Yes I lived at Safford in the
Choctaw Nation for 2 years -

^{his}
H. X. Robertson

NOTE

Subscribed and sworn to before me
this the 14th day of October
AD. 1902, at El Paso, Texas, in
the presence of whom I have
hereunto set my hand
and official seal

J. A. Hall - Notary Public
El Paso County, Texas.

For Identification as a Mississippi Choctaw.

Date Oct 4, 1902

Name Mary E. Rogers,

Age 25. Blood '18

Post Office, Ambial, Texas.

Father: W. Robertson, l

Mother: H. N. " l.

Claims through Father, '4

Next of kin

H. N. Rogers, l. w.

No claim for husband

Children:

Bonnie A. Rogers, 8

Lillie B. " 6

Elora A. " 3

Fannie A. " 7 m.

No claim for step &

H. N. Rogers

Signature: Clara M. Wood

Choctaw MCR 6330

Mary Riley

See MCR 5853

MCR 6330

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, Indian Territory, October 6, 1902.

In the matter of the application of Mary Riley for the identification of herself and her four minor children, Flora H., Fannie May, Allen Vesta and Waggie Riley as Mississippi Choctaws.

Mary Riley being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Riley.
 Q What is your age? A Thirty six.
 Q What is your post office address? A Mill Creek Indian Territory.
 Q How long have you lived there? A We haven't been there but about six weeks.
 Q Where were you born? A In Hunt County Texas.
 Q Have you always lived in Texas till you came to the Indian Territory? A Yes sir.
 Q How long have you lived in the Indian Territory altogether?
 A About six weeks only.
 Q Has resided all the time in Texas? A Yes sir.
 Q Is your father living? A Yes sir.
 Q Is your mother living? A No sir.
 Q What is your father's name? A Riley.
 Q Full name? A Sylvester Riley.
 Q What was your mother's name? A Elizabeth Riley.
 Q Do you claim through your father or mother? A Mother.
 Q How much Choctaw blood do you claim? A One eighth.
 Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in the Indian Territory? A No sir.
 Q What is your husband's name? A J.S. Riley.
 Q Is he living? A Yes sir.
 Q Is he a white man; he's not a Choctaw Indian? A No sir.
 Q Do you make any claim for your husband? A Yes sir.
 Q He's not a Choctaw Indian is he? A No.
 Q You can't make any claim for him then? A No sir.
 By J. S. Riley, husband of applicant: I have the Choctaw blood but she's not making any claim for me.
 By the Commission: Do you want any claim made for you? A No I don't expect I could prove it up.
 Q You don't want any claim made? A No sir not at present.
 By the Commission to applicant: You said your husband was a white man; do you mean that; has he any Choctaw blood at all.
 A He has no relatives that he can prove it - that he knows of.
 Q Do you claim that he has any Choctaw blood at all? A Yes sir I claim that he has.
 Q But you don't come to make any claim for him this morning?
 A No sir.
 Q And you are not in position to prove his claim? A No sir.
 Q Have you any children under age and unmarried that you want to make application for? A Yes sir all the children.
 Q Give me the name of the oldest under age and unmarried.

- A Floda H. Riley.
Q Girl? A Yes sir.
Q How old is she? A She's seventeen.
Q She's not married is she? A No sir.
Q What is the name of the next? A Fannie May Riley.
Q How old is Fannie? A Thirteen years old.
Q What is the name of the next? A Allen Vesta Riley.
Q How old is Allen? A Eleven.
Q The next? A Maggie Riley.
Q How old is Maggie? A Seven.
Q Is that all? A Yes sir.
Q You claim for yourself and these minor children do you?
A Yes sir.
Q Is your husband J.S. Riley the father of the children?
A Yes sir.
Q What is the name of that child over age and married? A Lena Morris.
Q Where does she live? A She lives at Mill Creek Indian Territory.
Q Is that the only other child you have? A Yes sir.
Q Were either you or your husband married before you married each other? A No sir.
Q And you and he are living together and these children are all living with you? A Yes sir.
Q Is your name on any of the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q This is the first application of any kind you have ever made is it? A Yes sir.
Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article of that treaty? A Yes sir.
Q You understand it do you; do you want to have it explained any further to you? A No sir.
Q Without the explanation then the article itself is as follows

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification

of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830 under which you are making your claim today.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A Sir.
- Q Did any of your Choctaw ancestors comply with that article? A I dont know.
- Q What is the name of your ancestor that you make this claim through today. A Christmas.
- Q What is the first name? A Sarah.
- Q What relation is Sarah Christmas to you? A My grandmother.
- Q Your mother's mother? A Yes sir.
- Q How much Choctaw blood did she have? A She was a half.
- Q Did she live in Mississippi or in Alabama? A In Mississippi
- Q Did she live there in 1830 and was she the head of a family there then; that's seventy two years ago. A Yes sir.
- Q How do you know that she lived in Mississippi in 1830 and had a family there then. A Well I dont know only what I've heard in the family.
- Q Your mother? A Yessir my mother.
- Q You have no records have you? A No sir.
- Q How old would she be if living now - Sarah Christmas? A Well I dont know; I dont remember.
- Q Do you know when and where she was born? A No sir..
- Q When and where she died? A No sir I dont.
- Q Was that Sarah Christmas her maiden name or married name? A That was her maiden name.
- Q What was the name of her husband? A No Christmas was her married name.
- Q Do you remember that that was her maiden name or not? A No sir I dont remember.
- Q Can you recall the name of her husband? A No sir I cant; its been so long; I was small; I dont remember.
- Q Did she speak the Choctaw language. or have a Choctaw Indian name? A Well I dont know.
- Q Did she claim any land or receive any land in Mississippi in the old Choctaw Nation under article fourteen of the treaty of 1830. A I dont know whether she did or not.
- Q Did she own any improvement on land in that old Choctaw Nation in 1830? A I dont know.
- Q Did she go to the United States Indian agent within six months after the ratification of the treaty and tell him she wanted to stay in Mississippi take land there and become a citizen of the states? A I dont know whether she did or not.
- Q Did she or any of your ancestors in that old Choctaw Nation go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory between 1833 and 1838 or forty? A I cant tell you; I dont know.

The Indians who remained in Mississippi after the treaty of 1830 was ratified in order to take advantage of article fourteen of that treaty were required to go to the agent within

six months from its ratification and tell the agent that they wanted to stay in Mississippi take land there and become citizens of the states. Although a great many Choctaw Indians did this the agent neglected to put their names upon his registry list and because of his neglect a good many Choctaw Indians lost their land in the old Choctaw nation; it was taken from them by the government and sold at its public land sales; this caused a great many complaints among the Choctaw Indians so that in 1837 as well as in 1842 by various acts of congress commissions were sent to Mississippi and these commissions heard claimants under article fourteen and made lists of the names of the Choctaws who came before each commission respectively..

- Q Do you know whether any of your Choctaw ancestors went before either of those two commissions and claimed any benefits as Choctaw Indians under that article of that treaty? A I dont know whether they did or not.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir I dont know.
- Q Did any of your Choctaw ancestors or after registering or attempting to register before Colonel William Ward within six months after the ratification of the treaty receive land from the government and did they live upon that land for five years and then get a patent of it from the government? A No sir.
- Q What relation is Martin V. Riley to you? A Brother.
- Q He's your own brother? A Yes sir.
- Q Your married name is Riley; explain how that came about. A Well me and my husband was half cousins.
- Q Your maiden name was Riley? and your husband's name was also Riley? A Yes sir.
- Q Do you want to refer to Martin V. Riley's case number 5853?
- A Yes sir.

Reference is here made to the case of Martin V. Riley et al M.C.R.5853 for the purpose of consolidation.

- Q Have you any evidence you want to offer now? A No sir.
- Q Have you any witnesses you want to call? A Well I have my brother.
- Q He's to make application? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q When your brother made application before the Commission to be identified as a Mississippi Choctaw June 23 1902 he said that his grandmother's name was Sally Christmas; that's the same, Sally and Sarah? A Yes sir.
- Q Have you an attorney; have you a lawyer? A No sir.
- Q Do you care for any time in which to introduce other testimony if you desire? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has black hair; black eyes; dark complexion; does not understand the Choctaw language and has no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath

states that as stenographer for the Commission to the Five
Civilized Tribes she reported in full all proceedings had
in the above entitled cause on the 6th day of October 1902
and that the above and foregoing is a full true and correct
transcript of her stenographic notes of said proceedings on
said date.

W. M. H. H. H. H. H.

Subscribed and sworn to before me this 6th day of October 1902.

L. V. Emerson
Notary Public.

N.C.R. 6350.

COPY.

Muskogee, Indian Territory, April 14, 1903.

Mary Riley,

Millersack, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martin V. Riley, et al., embracing the following applications for identification as Mississippi Choctaws:

Martin V. Riley, et al.,	N.C.R. 5883
Mary Riley, et al.,	N.C.R. 6330
Lola Morris,	N.C.R. 6394.

These applications were made under the provision of the Act of Congress of June 25, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martin V. Riley, Bessie Riley, Maudie Riley, Everett Riley, Elmer Riley, Virgie Riley, Hubbard Riley, Mary Riley, Flossie N. Riley, Fannie May Riley, Allen Vesta Riley, Maggie Riley and Lola Morris as Choctaw

M. R.,

-2-

Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixie
Chairman.

Registered.

M. C. R. 6350

COPY.

Muskogee, Indian Territory, July 15, 1903.

Mary Riley,

Mill Creek, Indian Territory,

Dear Madam:-

You are hereby notified that on the 19th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martin V. Riley et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

~~Commissioner in Charge.~~

No 6330

For Identification as a Mississippi Choctaw..

Date

Oct 16, 1902

Name Mary Riley.

Age 36

Blood $\frac{1}{8}$

Post Office, Mice Creek, I.T.

Father: Sylvester Riley. l.

Mother: Elizabeth " d.

Claims through mother.

Husband.

J. S. Riley. l. 20th Ind.

No claim for husband.

Children:

Floda H. E. Riley, t. 17

Fannie M. " 13

Allen V. " 11

Maggie " 7

Claims for self and
4 minors

Clara Mitchell

Choctaw MCR 6331

Smith Welch

See MCR 1045, 1044

MCR 6331

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Smith Welch, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

Smith Welch, et al.,	M C R 6331
Henrietta Buckingham, et al.,	M C R 1045
Cora Lee Welch,	M C R 1044

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by
each in said record.

	page
Application of Smith Welch for enrollment as a Choctaw by blood.....	1
Letter of the Commission addressed to Smith Welch.....	2
Envelope which contained letter addressed to Smith Welch.....	4
Registry return receipt addressed to Smith Welch.....	5
Original application of Smith Welch, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	6
Original application of Henrietta Buckingham, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	11
Original application of Cora Lee Welch for identification as a Mississippi Choctaw.....	14
Decision of the Commission refusing the ap- plication of Smith Welch, et al., for identification as Mississippi Choctaws.....	15

Page.

Decision of the Commission refusing the applica-
tion of Smith Welch, et al., for identification
as Mississippi Choctaws..... 18

Commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the application of Smith Welch for enrollment as a Choctaw;
being sworn and examined by Com'r McKeanon he testifies as follows:

- Q What is your name? A Smith Welch.
Q How old are you? A Forty-six.
Q Where do you live? A In Texas.
Q How long have you lived there? A Seven years.
Q Where did you come from there? A From North Alabama.
Q That is where you were born and raised? A I was born and
raised in Tennessee.
Q You were a slave? A Yes sir.
Q Was your mother a slave? A Yes sir.
Q You are not on the rolls here? A No sir.
Q Never have been? A No sir.
Q Your father and mother never have been? A No sir.

Com'r McKeanon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the official on which this
stenographic report was taken in the Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 8, 1902.

In the matter of the application of Smith Welch for the identification of himself and his five minor children, Randolph Lela, Era, Jilo and Bessie Welch as Mississippi Choctaws.

Smith Welch being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Smith Welch.
- Q How old are you? A I'll be forty eight years old the fifteenth of this month I believe.
- Q Forty seven now? A Forty eight.
- Q You are forty eight are you? A Yes sir.
- Q What's your post office address? A Como Texas.
- Q Have you always resided in Texas? A No sir.
- Q Where were you born? A Mississippi.
- Q Born in Mississippi? A Yes sir.
- Q Where in Mississippi? A What part of Mississippi.
- Q Yes. A I dont know exactly what part no more than I can remember I was in West Point Mississippi; mother said I was born in Mississippi.
- Q How long did you live in Mississippi? A I lived there until I was a grown up fellow; I was grown.
- Q You were a slave then? A Yes sir.
- Q Was your father and mother slaves? A Mother was. so she tells me she was.
- Q And your father too wasn't he? A Yes sir.
- Q Is your father living or dead? A He's dead.
- Q Is your mother dead? A She wasn't dead the last account I had of her.
- Q Living the last time you heard from her? A Yes sir.
- Q What was your father's name? A My fat her's named West. G. West
- Q Your name is Welch; you took your master's name? A My master he was a Welch.
- Q What was your mother's name? A She went by Bly I think so she told me; it's been so long since she told me I cant remember.
- Q Is that all you can remember sally Bly? A Yes sir.
- Q See your father and mother were both slaves and you too? A Yes sir.
- Q Do you claim through your father or mother or both? A My mother; my father he wasn't no Choctaw; he was a African nigger.
- Q How much Choctaw blood do you claim? A Mother was full.
- Q Full blood Choctaw you mean? A Yes sir; father was a African nigger.
- Q Now has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian territory; never did live in the Indian Territory?
- A Yes sir I think she have.
- Q Never was enrolled was she? A No sir.

- Q Are you married? A No? Yes sir.
- Q What's your wife's name? A Bettie Welch Bettie or Elizabeth whichever she goes by; either one.
- Q What is your wife's blood? A Colored and white.
- Q You don't make any claim for your wife then? A No sir.
- Q Have you any children you want to make application for? A Yes sir; two; my girls come up here.
- Q Yes I know about those but haven't you got any other children?
- A Yes sir.
- Q Give me the names and ages of those under age and unmarried.
- A Randolph. He's twenty.
- Q Now give me the name of the next? A Lela Welch. She was eighteen in last May.
- Q The next? A Era.
- Q Girl? A Yes sir.
- Q How old is Era? A Fourteen.
- Q The next? A Jilo; aboy.
- Q How old is Jilo? A Twelve.
- Q How many more have you got captain? A One more.
- Q What's the name of that one? A Bessie.
- Q How old is Bessie? A Ten years old.
- Q That is all is it? A That's all yes sir.
- Q Is Bettie the mother of these children? A Yes sir.
- Q Are you and your wife living together as husband and wife?
- A Yes sir we live together.
- Q And the children are living with you? A Yes sir. The children are all living with me except one; she's married.
- Q When were you married to your wife Bettie; what date; give me the months and year? A We been married twenty five years the 7th day of this coming January.
- Q Were you married by a minister? A Yes sir.
- Q Where were you married? A Alabama.
- Q What place in Alabama? A Frank Alabama.
- Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A No sir.
- Q Now did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission at any time; did you make application under the act of Congress of June 10 1896; you made application four years ago at Goodland Indian Territory?
- A Yes sir.
- Q When did you make another application; do you remember? A It was the same year; I been sick so much my memory comes and goes.
- Q You made another one didn't you? A Yes sir.
- Q Before Commissioner McKennon? A Yes sir.
- Q Where was that before Commissioner McKennon -- Caddo?
- A Yes sir.
- Q You remember that do you? A Yes sir my memory goes and comes so much; I try to get things straight and it makes me have to study.
- Q That application was refused. A One of them it seems it was.
- Q Both of them were refused were they not? A Yes sir.
- Q Well you are not a member of the Choctaw tribe are you? A No sir not yet. the
- Q Do you want to make application that was made by you at Caddo Indian Territory before the commission transferred to this application and made a part of it? A Yes sir.

The application of Smith Welch made by him before the Commis-

Smith Welch 3

sion Indian territory for enrollment as a Choctaw by blood R 325 is here referred to for the purpose of making such application a part of his present application that he now makes for himself and his minor children for identification as Mississippi Choctaws.

Q Now Mr Welch your daughter Cora Lee Welch has been before the Commission? A Yes sir.
In an application made by her M.C.R.1044.

Q And also Henrietta Buckingham another daughter has been before the Commission has she not? A Yes sir.

M.C.R.1045.

Q Do you want to have these cases referred to and made a part of your present application? A Yes sir.

These two cases are here referred to for the purpose of consolidating them and this present application made by Smith Welch for the identification of himself and children as Mississippi Choctaws.

Q You never have been admitted then as a citizen of the Choctaw Nation neither have your children been admitted by the Choctaw tribal authorities the commission to the Five Civilized Tribes or the United States Court in the Indian Territory have you? A No sir.

Q Do you now come before the Commission to identify yourself and these minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I don't understand you.

Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year; the object of the treaty was to remove the Choctaw Indians from the old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back there in the old Choctaw nation article fourteen was drafted and put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty do you know? A No sir; I dont know.
- Q What's the name of your ancestor that you make your claim now? A My mother/
- Q Cant you go back further than that? A No sir.
- Q What's her name? A My mother was named Sally Fly
- Q Full blood Choctaw? A Yes sir she was a full blood.
- Q Lived in Mississippi? A Yes sir..
- Q In 1830? A Yes sir
- Q Did she have a family there then? A She was little.
- Q She didnt have a family in 1830? A No sir.
- Q How old would she be if living now? A I dont know how old she is now.
- Q Can you give the name of any ancestor who lived in Mississippi in 1830 and was the head of a family there then? A No sir; I just know what she told me.
- Q Did any of your Choctaw ancestors comply with article fourteen of the treaty of 1830? A I dont know sir.
- Q They couldnt have done so if they were slaves. A No sir;
- Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A I dont know.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi and take land and become citizens of the states; although a good many Indians did this Colonel Ward neglected to put their names upon his list so that the land which Choctaws had in the old Choctaw Nation was taken from them by the government and sold at its public land sales; this caused a great many complaints and on account of those complaints commissions were appointed by various acts of Congress one in 1837 and the other in 1842; these commissions went to Mississippi and heard claims under that article of that treaty;

- Q Did any of your Choctaw ancestors go before either of those two commissions and claim any benefits as Choctaw Indians
- A I dont know.
- Q Did any of them get any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not as I know of.
- Q Do you speak Choctaw? A I dont know sir whether I can or not. I ~~wasnt~~ wasnt raised to speak it; there wasnt but two children of us.
- Q Can you talk Choctaw? A No sir; I just talk like I was raised
- Q Well is there anything more you want to say now? A Yes sir.
- Q What do you want to say now? A I want to say is there any chance for me to take up that land.
- Q That question will have to remain unanswered.

This applicant has the appearance and physical characteristics of being descended from negro parentage; features; color of his hair and eyes show that he is a full blood negro apparently; does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830 he himself was a slave; his father and mother were slaves;

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the five civilized tribes she reported in full all proceedings had in the above entitled cause on the 6th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 6th day of October 1902.

Guy L. V. Emerson
Notary Public.

229
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Smith Welch, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of

Smith Welch, et al.,	M C R 6331
Henrietta Buckingham, et al.,	M C R 1045
Gera Lee Welch,	M C R 1044

--- R E C O M M E N D A T I O N : ---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Smith Welch for himself and his five minor children, Randolph,
Lala, Era, Jile and Bessie Welch; by Henrietta Buckingham for her-
self and her minor child, Robert Lee Buckingham, and by Gera Lee
Welch for herself under the following provisions of the act of Con-
gress approved June 22, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article Fourteen of the Treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ex-
amine oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sallie (or Sally) Ely (or Welch), who is alleged to have been a full blood Choctaw and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 381).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sallie (or Sally) Ely (or Welch), signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate

such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 22, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Smith Welch, Randolph Welch, Lela Welch, Era Welch, Jile Welch, Essie Welch, Henrietta Buckingham, Robert Lee Buckingham and Gera Lee Welch as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tame Dixie

Meeting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

APR 14 1903

Neel Point Tenn

Feb 14 1880

This is to certify that I
Sally Welch the mother
the mother of Smith
Welch is of Indian Descent
1/2 Blood Captured when
a girl from Mississippi
Carried North and then
South and sold to know
But very little of my
mother and lived in
Mississippi near Neel Point
River Yelland Bladson
Cannery near Point Mississippi
I am about 75 years of
age the statement of my
Indian Blood as given

1
above is true and
correct - there is no
doubt consider himself
Buckingham and coral
Mellie

Respectfully
submitted. Sallu Mitchell
Steven Mitchell } Sponsoring
Steven Kelly } Justice of
Susan Mitchell } Peace
Rupert Blair }

COPY.

M.C.R. 6331

Muskogee, Indian Territory, April 14, 1903.

Mansfield, McMurray and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Smith Welch, et al., embracing the following applications for identification as Mississippi Choctaws:

Smith Welch, et al.,	M.C.R. 6331
Henrietta Buckingham, et al.,	M.C.R. 1045
Cora Lee Welch,	M.C.R. 1044

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Smith Welch, Randolph Welch, Lela Welch, Era Welch, Jile Welch, Bessie Welch, Henrietta Buckingham, Robert Lee Buckingham and Cora Lee Welch as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

-2-

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. B. BIRNEY

Wm Bixby

Chairman.

COPY.

Muskogee, Indian Territory, April 14, 1903.

Smith Welch,

Twine, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Smith Welch, et al. embracing the following applications for identification as Mississippi Choctaws:

Smith Welch, et al.,	M.C.R. 6331
Henrietta Buckingham, et al.,	M.C.R. 1043
Gera Lee Welch,	M.C.R. 1044

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of the Commission that the evidence herein is insufficient to determine the identity of Smith Welch, Randolph Welch, Lula Welch, Era Welch, Jilo Welch, Bessie Welch, Henrietta Buckingham, Robert Lee Buckingham and Gera Lee Welch as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of

eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WAGNER

Tams Dixby

Chairman.

Registered.

(COPY)

Muskogee, Indian Territory, April 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Smith Welch, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 14, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Smith Welch, et al.,	M.C.R. 6331
Henrietta Buckingham, et al.,	M.C.R. 1043
Cora Lee Welch,	M.C.R. 1044.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tamr Birby

Chairman.

Through the
Commissioner of Indian Affairs.

3 enclosures M.C.R. 6331.

M.O.N. 6331

Muskogee, Indian Territory, May 1, 1903.

Smith Welch,

Twine, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 23, 1903, enclosing statement of Sallie Welch in support of your application for the identification of yourself and five minor children as Mississippi Choctaws, and the same is returned to you herewith for the reason that it appears from our records that on April 30, 1903, the record in the consolidated case of Smith Welch et al., was transmitted to the Secretary of the Interior. Pending action thereon by him the Commission is without authority to receive or consider any evidence in support of your case.

Respectfully,

Chairman.

Enc. M.O.N. 2

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

X C R 4331

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

W.C.B.
Muskegee, Indian Territory, May 28, 1903.


Henrietta Buckingham,
West Point, Tennessee.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 14, 1903, received at this office May 26, 1903, enclosing statement of Sallie Welch, mother of Smith Welch, relative to her Choctaw descent.

It is presumed that the above mentioned statement was submitted in support of the Mississippi Choctaw case of Smith Welch et al., and you are informed that the record in said case, together with the decision of the Commission refusing said application, was on April 30, 1903, forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support of said case. Therefore the statement forwarded by you is herewith returned.

Respectfully,



Commissioner in Charge.

ENC 6

(COPY)

land.
28527-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, July 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Smith Welch, for the identification of himself and his five minor children, Randolph, Lela, Mrs. Jile and Bessie Welch; Henrietta Buckingham, for herself and her minor child, Robert Lee Buckingham, and by Cera Lee Welch, for herself, as Mississippi Choctaws, wherein a decision rejecting the applicants was rendered by the Commission on the 14th day of April 1903.

The record in this case shows that the applicants rely for their right to identification on their descent from Sally Ely, or Welch, mother of the principal applicant, Smith Welch, she being still alive. It is not claimed that she was a recognized citizen of the Choctaw Nation in Mississippi in 1830, the allegation being that her ancestors were residents of the Choctaw Nation in Mississippi in 1830.

The applicants are unable to give the names of ancestors more remote than the mother of Smith Welch, neither are they

able to testify as to whether such ancestors either complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, basing their entire reliance for their identification under this application on their Choctaw blood derived through Sally Bly, or Welch.

The Commission rejected the applicants for the reason that its records do not show that Sally Bly, or Welch, either complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830.

An examination of the records of this office fails to show the name of Sally Bly, or Sally Welch, among the names of those persons who either complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, and the parties having been unable to give the names of more remote ancestors who were living in 1830, it becomes apparent at once that it is impossible to act favorably upon their application, and I therefore recommend that the decision of the Commission rejecting them be approved.

Very respectfully,

W. A. Jones,

Commissioner.

MEH-C.

(COPY)

D.C.22221

ITD.5390-1903.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

J.P.

W.C.F.

BAF.

August 7, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

April 30, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Smith Welch and his minor children, Randolph, Lela, Wra, Jile and Bessie Welch; of Henrietta Buckingham and her minor child, Robert Lee Buckingham; and of Cera Lee Welch. You refused the applications April 14, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of Sally (or Sallie) Ely (or Welch), an alleged full blood Choctaw Indian.

It appears from the evidence of Smith Welch, that said Sally Ely is yet living; that she was a resident of Mississippi in 1830, but was not at that time the head of a family. The applicants are unable to furnish the names of their more remote ancestor.

The evidence submitted, as well as the records of the Indian Office, fails to show that the applicants' said ancestor complier attempted to comply with the provisions of article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

-22-

Reporting July 2, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

COPY.

H.C.R. 6351.

Muskogee, Indian Territory, August 25, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Smith Welch, et al., of which decision you were advised by mail on the 14th day of April, 1903.

Respectfully,

(SIGNED)

James D. Smith.

Chairman.

COPY.

M.O.R.6331.

Muskogee, Indian Territory, August 25, 1903.

Smith Welch,

Twine, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Smith Welch, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,
(SIGNED)

Chairman.

Consolidated Case
of
Smith Welch & Co.

RECEIVED

6331

or Sallie
Sally Bly (ph)
slave

||
L. West
slave

MR
6331

+ Smith Welch 48- $\frac{1}{2}$
(slave)

wife

Bettie Welch
(neg & w)

MR
633

Randolph Welch 20

" Lela Welch 18

" Era Welch 14

" Jilo Welch 12

" Bessie Welch 10

MR
645

Henrietta Welch 23- $\frac{1}{4}$

mar

John Buckingham
(negro)

MR
645

Robert Lee Buckingham 4

MR
1244

Cora Lee Welch 22- $\frac{1}{4}$

- See Record in Courtroom
enrolment case R. 325
transferred to MR 6331

For Identification as a Mississippi Choctaw.

Date OCT 6, 1902

Name Smith Welch.

Age 48 Blood 1/2.

Post Office, Corno, Texas.

Father; G. West - d

Mother: Sally Bly - l.

Claims through Mother -

Wife,

Bettie Welch, l. neg. and white.
No claim for wife.

Children:

Randolph Welch, 20

Lela " F. 18

Era " F. 14

Jilo " M. 12

Bessie " F. 10

Claims for self
and 5 minors.

Enographer C. M. Wood

CHIEF

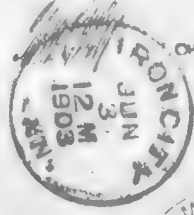


6331
File



Committed

RECEIVED
JUL 2 1903



RECEIVED
JUL 1 1903

Choctaw MCR 6332

Jesse Lynch

MCR 6332

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Jesse Lynch for identification as a Mississippi Choctaw, W.C.R. 6852.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Jesse Lynch to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission refusing the application of Jesse Lynch for identification as a Mississippi Choctaw-----	6

---0---

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 9, 1902.

-----O-----

In the matter of the application of Jesse Lynch for
identification as a Mississippi Choctaw.

Jesse Lynch, being first duly sworn, testified as
follows:

Examination by the Commission:

- Q What is your name?
A Jesse Lynch.
Q What is your age?
A Thirty-three.
Q What is your post office address?
A None.
Q How do you spell that?
A H-e-m-e.
Q Texas?
A Yes sir.
Q How long have you lived in Texas?
A All my life.
Q Born and raised there were you?
A Yes sir.
Q Is your father living?
A No sir.
Q Is your mother living?
A Yes sir.
Q What was your father's name?
A Edward Green Lynch.
Q What is your mother's name?
A Martha.
Q Martha Lynch?
A Yes sir.
Q Through which parent do you claim Choctaw blood?
A Father.
Q How much Choctaw blood do you claim?
A I can't answer that question; I don't know.
Q Has your father ever been recognized as a Choctaw
Indian by the Choctaw tribal authorities or the
United States authorities in Indian Territory, or
enrolled as one?
A Not that I know of.
Q Do you know when and where he was married?
A Why, I don't; I believe that he was married in Jasper
County; I think; but I want be certain.
Q You don't remember the day of the month and year?
A O, no.
Q Have you the proof of that marriage with you now?
A No sir.
Q Are you married?
A No sir.
Q Claim for yourself alone do you?

- A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896?
- A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory?
- A No sir.
- Q Do you come before the Commission at this time to make application to be identified as a Mississippi Choctaw?
- A Yes sir.
- Q Do you claim under article fourteen of the treaty of eighteen hundred and thirty?
- A Yes sir.
- Q Do you understand that article of that treaty?
- A Do I understand it? No sir.
- Q You understand what a treaty is do you?
- A Yes sir.
- Q Do you understand what an article in a treaty is?
- A Why, no, I don't thoroughly understand it.

A treaty is a contract or compact or agreement made in writing between Nations; it's called a treaty because it's made between nations instead of between other parties, and an article in a treaty is one of its sections or clauses or subdivisions, dealing with one particular topic of the general subject of the treaty.

A treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830, for the purpose of removing the Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory.

Before the treaty was signed it became known that a good many Choctaw Indians were unwilling to go to the Choctaw Nation Indian Territory with the other Indians under the general provisions of the treaty and in order to protect the interests of those Indians who stayed back there in that old Choctaw Nation, article fourteen was drafted and made a separate clause in the treaty of 1830 and was inserted into that treaty; after article fourteen was put into the treaty of 1830 it was signed and later on, (on the 24th day of February 1832) the treaty was ratified.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this

- A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896?
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- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory?
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Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this

treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity. "

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article of that treaty? A No sir I don't.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?

A My grandmother Lynch.

Q What was her maiden name? A Winlock.

Q That was her maiden name? A Yes sir.

Q And she married whom? A John R. Lynch.

Q Did she have one star Indian blood? A Yes sir.

Q How much? A I can't tell you that.

Q She was your grandmother? A Yes sir.

Q And John R. Lynch was your grandfather?

A Yes sir.

Q He was a white man? A Yes sir.

Q You are sure about that are you?

A Yes sir.

Q Did Lizzie Winlock who married John Lynch live in Mississippi in 1830? A Yes sir.

Q Was she the head of a family in Mississippi at that time.

Q Yes sir she lived there then.

Q And was she the head of a family? A Yes sir.

Q Do you know what her husband's occupation was? A He was a farmer.

Q Did she or her father claim any lander receive any land in Mississippi in the old Choctaw Nation under article fourteen of the treaty of 1830.

A Not that I know of, I don't know.

Q How old was she when she was living now?

A O, I can't answer that.

Q Do you know when and where she was born? A No sir.

Q When she died or where? A She died in Mississippi but when, I don't know.

Q Did she always live in the state of Mississippi?

A Yes sir.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward, tell him they wanted to stay in Mississippi take land there

Jesse Lynch 4

and become citizens of the states?

A I don't know whether they did or not.

Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838?

A I don't know.

Q Did you ever hear that any of them, Lizzie Winlock or her husband John R. Lynch for her or anybody else having Choctaw blood -- that that ancestor of yours owned any improvements on land in that old Choctaw Nation in 1830? A No sir.

Q Did Lizzie Winlock or John R. Lynch for her stay in Mississippi after making a declaration of intention to remain, before the United States Indian agent Colonel Ward under article fourteen and having lived upon that land five years receive a patent from the government? A Not that I know of.

Q Never heard that any of your ancestors received a patent from the government? A No sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory?

A I don't know.

Q You are not able to testify as to the quantity of blood you possess? A No.

Q Or of any ancestor? A No sir.

Q Have any of your relatives been before the Commission previous to this application made by you? A No sir; if they have I don't know it.

The Choctaw Indians who stayed back in that old Choctaw Nation after the treaty of 1830 was ratified, if they wanted to take advantage of article fourteen of that treaty were required to go to the United States Indian agent whose name was Colonel Ward within six months from the ratification of the treaty and signify to him their intention to remain and become citizens of the states; a great many of the Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register; because he neglected to do this a good many Indians had land in the old Choctaw Nation taken from them by the government and sold at its public land sales together with the improvements upon it; this caused a great many complaints among the Choctaw Indians so that in 1837 by an act approved March 3 of that year Congress appointed a Commission which went to Mississippi; this commission heard claimants under article fourteen of the treaty of 1830; another commission was appointed in 1842 by an act approved August 23 of that year; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of eighteen hundred and thirty.

Q Did any of your Choctaw ancestors Lizzie Winlock or John R. Lynch for her or any other Choctaw ancestor of yours go before either of these two commissions and receive any benefits as Choctaw Indians.

A No sir not that I know of.

Jesse Lynch 5

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip or these certificates were issued under the act of Congress approved August 23 1842 and was given to Indians who proved their claim under article fourteen and also further proved that their land had been taken from them by the government and sold.

Q Do you speak or understand the Choctaw language?

A No sir.

Q Have you any documentary or any other proper evidence you want to present to the Commission at this time?

A No sir.

Q Have you a lawyer? A No sir.

Q Do you want time in which to introduce other proof in this case? A Yes sir.

Thirty days time from this date is allowed this applicant in which to offer other proof in support of this application which he makes in his own behalf.

Q You have no relatives that have been before the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair; lighter brown mustache; blue eyes ruddy complexion; doesn't understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood, being first duly sworn, upon her oath states: that as stenographer for the Commission to the Five Civilized Tribes, she reported in full, all proceedings had in the above entitled cause, on the 9th day of October, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 11th day of October, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

Handwritten:
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Lynch for identification as a Mississippi Choctaw, H.O.B. 6532.

--- D E C I S I O N ---

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by James Lynch for himself, under the following provision of the act of Congress approved June 30, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the

Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Lissie Lynch (nee Winlock), who is alleged to have been a Choctaw Indian, degree of blood not known, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Lissie Lynch (nee Winlock), or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse

-3-

Lynch, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

Tame Dixby.

Acting Chairman.

SIGNED.

T. B. Needles.

Commissioner.

SIGNED.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 4 1902

COPY.

M.C.R. 6382

Muskogee, Indian Territory, February 4, 1903.

Jesse Lynch,

Hemo, Texas.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Jesse Lynch, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse Lynch, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary

-2-

of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Jane Bixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6332

Wuskegee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Gerniah,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Jesse Lynch, applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse Lynch, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Tame Dixby.

Acting Chairman.

COPY.

Muskogee Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Jesse Lynch, an applicant for identification as a Mississippi Choctaw, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

CRS:J.P.

Tame Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs,

2 Enclosures, M.C.R. 6252

(COPY)

D.C.16420

ITD.4590-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

W.C.F.

RAF.

May 26, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 26, 1903, you transmitted the record in the Matter of the application for identification of Jesse Lynch as a Mississippi Choctaw, including your decision of February 4, 1903, refusing the application.

The applicant claims a right to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of Lizzie Lynch (nee Winlock), the paternal grandmother of applicant, it being alleged that she was a Choctaw Indian and a resident of Mississippi at the date of making the treaty of 1830.

The evidence fails to show that Lizzie Lynch (nee Winlock) or an ancestor less remote, complied or attempted to comply with the provisions of article 14 of the treaty of 1830 or with the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that any one by the name of Lizzie Lynch (nee Winlock) ever complied or attempted to comply with said article acts or acts.

Reporting May 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has reviewed the whole record and finds no reason to disturb your decision, it is therefore affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(C O P Y)

Land.
12786-1903.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, May 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Jesse Lynch, for identification as a Mississippi Choctaw, claiming rights as such, under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicant bases his claim to identification on his descent from his grandmother, Lizzie Lynch (nee Winlock), who it is alleged was a citizen of the Choctaw Nation and a resident in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicant Feb. 4, 1903, for the reason that the name of the ancestor claimed under by the applicant does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of eighteen hundred and thirty, and also state that for the additional reason that he has never been enrolled as a citizen of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Lizzie Lynch (nee Winlock) and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that she applied to the Commissions appointed under Acts. of March 3, 1837 and 23, 1842 (8 Stats., 160-513), for an adjudication of her rights, if she had any, as a Choctaw Indian.

This being the case, it respectfully recommended that the decision of the Commission rejecting the applicant, be approved.

Very re spectfully,

M. C. R. 6332.

COPY:

Muskogee, Indian Territory, July 14, 1903.

Jesse Lynch,

Nemo, Texas.

Dear Sir:-

You are hereby notified that on the 26th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY:

M. C. R. 6332.

Muskogee, Indian Territory, July 15, 1903.

Mansfield Meyurry & Cernish,

Attorneys for the Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 26th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Cheetaw of Jesse Lynch, of which decision you were advised by mail on the 4th day of February.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 6222

For Identification as a Mississippi Choctaw.

Date *October 9, 1902*

Name *Jeese Lynch*

Age *33* Blood *Don't know*

Post Office, *Nemo, Texas,*

Father: *Edward G. Lynch, d.*

Mother: *Martha " d.*

Claims through *father,*

Children:

*Claims for self
alone,*

Photographer *C. L. Nichols Wood,*

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R. 65

Jesse Lynch

DECISION RENDERED. FEB -4 1903

NOTED BY

NOT
FOR
RECORD

NOT ON
RECORD

JUL 15 1903

Choctaw MCR 6333

Andrew G. Allen

MCR 6333

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 9, 1902.

-----O-----

In the matter of the application of Andrew G. Allen for the identification of himself and his nine minor children Ada May, Essie Mildred, Joseph Franklin, Lillie Ida, Effie Nora, Anna Clara, Andrew Marcus, Jackson Dewey and Luther Delma Allen as Mississippi Choctaws.

Andrew G. Allen being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Andrew G. Allen.
Q What is your age? A Forty-nine.
Q What is your post office address? A Smithfield, Texas.
Q How long have you lived there? A Three years.
Q Where were you born? A Born in Texas.
Q Always lived in Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Jonathan Cockran Allen
Q What was your mother's name? A Martha Jane.
Q Through which parent do you claim Choctaw blood?
A My father.
Q How much do you claim? A About one sixteenth I think from what I've been told.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know whether he has or not.
Q Did he ever live in the Indian Territory? A Yes sir so I've been told.
Q Did you ever hear that he had been made a member of that tribe by the Choctaw tribal authorities? A No sir
Q Have you the proof of the marriage of your father and mother with you now? A No sir.
Q Can you state when and where they were married?
A No I can't.
Q Or do you know anything about their marriage?
A No sir.

It will be necessary for you to show the legal marriage of your father and mother.

- Q Are you married? A Yes sir.
Q What is your wife's name? A I'm living with my third wife now; been married three times.
Q Have you children by all of these wives?
A Yes sir.
Q What is wife number one named? A My first wife's name was Missouri Ann Allen.
Q She is now dead? A Yes sir.
Q What was your second wife's name? A Her name was

Louisa Bedwell.

Q Allen? A Yes sir.

Q Is she dead? A Yes sir.

Q What is your third wife's name? A Her name was Louanna Davis.

Q That's all one name is it? A I don't know.

Q Is she living? A Yes sir.

Q Have you any children by your first wife under age and unmarried? A Yes sir; I have one.

Q What is the name of the first? A Her name is Ada May Allen.

Q How old is Ada? A She's twenty years old.

Q This is by your wife Missouri A. Allen? A Yes sir.

Q Have you any children by your second wife Louisa?

A Yes sir two.

Q What is the name of the first? A Essie Mildred.

Q How old is Essie? A She's seventeen.

Q What is the name of the next child by Louisa?

A Joseph Franklin.

Q How old is Joseph? A He's fifteen.

Q These are the children by your second wife Louisa?

A Two of them, yes sir.

Q Have you any other children? A Yes sir.

Q How many? A Six by my last wife.

Q What is the name of the first of this last bunch.

A Lillie Ida.

Q How old is Lillie. A She's twelve.

Q The next? A Effie Nora.

Q How old is Effie. A Nine years old.

Q The next? A Anna Clara.

Q How old is Anna? A She's seven.

Q The next? A Andrew Marcus.

Q How old is Andrew? A Five years old.

Q The next? A Jackson Dewey.

Q How old is Jackson. A He's three years old.

Q You have another? A One more. Luther Helma.

Q How old is Luther? A He's four months old.

Q Nine children? A Yes sir.

Q Is Louanna the mother of the last six? A Yes sir; I have two married daughters and a son that's single.

Q What is the present name of your two married daughters; give me the oldest first. A Willie Day.

Q Where does she live? A In Bosque County Texas.

Q What is the name of the next married daughter?

A Minnie Young.

Q Where does she live? A In Tarrant County. Smithfield, Texas.

Q What is the name of your son? A Charles Edward.

Q Where does he live? A Smithfield.

Q Have any of these been before the Commission?

A My son.

Q When? A About a week ago.

Q What's his name? A Charles Edward Allen.

Q Was your first wife a white woman? A Yes sir.

Q Your second also? A Yes sir.

Q Your third also? A Yes sir.

Q None of them had Shoshoneblood? A Not that I know of.

Q Do you make a ny claim for your third wife? A No sir.

Q Have you the proof of your marriage with either your first, second or third wives here? A At the present time? No sir I have not.

Q Do you know when and where you were married to your first

- first wife? A Yes sir.
- Q State when and where? A I was married at Moorsville, Falls County Texas in '74.
- Q Give the day of the month and year? A I can't give the day of the month.
- Q Can you tell when and where you were married to your second wife? A In Summerville County Texas.
- Q Give the day of the month and year? A Eighty-four; I can't give the day of the month.
- Q Married by a minister under a license to your first wife? A Yes sir.
- Q Second? A Yes sir.
- Q Third? A Yes sir.
- Q When and where were you married to your third wife? A In Parker County, Texas.
- Q State the day of the month and year if you can.
- A It was in '89.
- Q The day of the month and year? A I can't give the day of the month.
- Q Are you living now with your third wife? A Yes sir.
- Q And are these children all living with you at your home? A Yes sir.
- Q All these miners? A Yes sir.
- Q Whose names you have given? A Yes sir.
- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation Indian Territory to the Choctaw tribal authorities in Indian territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation Indian Territory to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? For yourself and children? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Is this the first application you ever made for citizenship in the Choctaw Nation for yourself and children? A Yes sir.
- Q Do you come before the Commission at this time to identify yourself and children as Mississippi-Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830; the object of the treaty was to get the Indians to remove from the old Choctaw Nation to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of eighteen hundred and thirty; that is the article under which you are making this claim today; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you this you understand that article fourteen well enough to claim under it today? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Allen.
- Q Full name? A Jonathan .
- Q That's your father is it? Jonathan C. Allen?
- A Yes sir.
- Q Did he claim through his father or mother? Do you know through which parent he gets his Choctaw blood?
- A No sir I do not.
- Q Never heard whether your grandmother or grand father had Choctaw Indian blood? A I don't know.
- Q Do you know whether Jonathan C. Allen or any Choctaw ancestor of yours complied with article fourteen of the treaty of 1830 by going to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and telling him that they wanted to stay in Mississippi take land there and become citizens of the states? A I don't know.
- Q Did Jonathan Allen or any other Choctaw ancestors of yours claim or receive any land in that old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830; do you know?
- A No I don't know.
- Q Did any Choctaw ancestors of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I don't know.
- Q Did any Choctaw ancestor of yours own any improvements on land in that old Choctaw Nation east of the Mississippi river in 1830 or '31? A Not that I know of.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians under the general provisions of the treaty were required in order to take advantage of article fourteen of the treaty to go to the United States Indian Agent Colonel Ward within six months from

the ratification of the treaty and tell him that they wanted to stay in Mississippi take land and become citizens of the states; a good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register and because of his neglect to do this a great many Choctaw Indians who had land in the old Choctaw nation upon which they had improvements had both their land and improvements taken from them by the government and sold at it's public land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3 of that year a commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 by an act approved August 23 of that year another Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty 1830.

- Q Did you ever hear that any of your Choctaw ancestors went before either of those two commissions and claimed any benefits under article fourteen of the treaty of Dancing Rabbit Creek? A No sir I never heard anything about it.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas.
- A No sir not that I know of.

This scrip was issued under an act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that they had had land taken from them in the old Choctaw Nation and sold.

- Q Do you speak the Choctaw language or understand it.
- A No sir.
- Q Have you any evidence you want to introduce at this time? A No sir.
- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws.
- A I have relatives; my brother has been before the Commission.
- Q What is the name of the one of your brothers - the first one who came here? A William Jackson Allen.
- Q Charles R. Allen is also a brother of yours? A No sir; he's my son.
- Q Your brother William J. Allen came before the Commission to be identified as a Mississippi Choctaw on April 15 1902, did he not? A Some time this year; this Spring or summer; I dont remember what time.
- Q Do you want to have your case consolidated with his?
- A Yes sir.

The case of William J. Allen et al., M.C.R. 5200 is here referred to for the purpose of consolidation.

- Q Is there anything more you want to say in support of this claim? A No sir.
- Q Have you any evidence you want to present now? A No sir.

Andrew G. Allen 6

This applicant has the appearance and physical characteristics of being descended from white parentage; he has black hair; dark complexion; whiskers and mustache somewhat gray; doesn't understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of eighteen hundred and thirty.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 9th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 12th day of October 1902.

Philip Hopkins
Notary Public.

COPY.

M.C.R. 6333.

Muskogee, Indian Territory, January 31, 1903.

Andrew G. Allen,
Smithfield, Texas.

Dear Sir:

You are hereby advised that on the 31st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William J. Allen, et al., embracing the following applications for identification as Mississippi Choctaws:

William J. Allen, et al.,	M.C.R. 5200
John W. Allen, et al.,	M.C.R. 5203
Delia A. Richardson, et al.,	M.C.R. 6161
Henry T. Allen, et al.,	M.C.R. 6159
Robert L. Allen,	M.C.R. 6160
Andrew S. Allen, et al.,	M.C.R. 6147
Andrew G. Allen, et al.,	M.C.R. 6333
Charles E. Allen,	M.C.R. 6325.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William J. Allen, David G. Allen, Ida Cordelia Allen, Perry A. Allen, John W. Allen, Myrtle B. Allen, William B. Allen, Lizzie Allen, Luitia Allen, John Martin Allen, Delia A. Richardson, Florence Virginia Richardson, William Joseph Richardson, John B. Richardson, Beatie Lee Richardson, George Franklin Richardson,

A. G. A. # 2.

Henry T. Allen, Lucy Allen, Arri Allen, Robert L. Allen, Andrew B. Allen, Bertha Lee Allen, Andrew G. Allen, Ada May Allen, Essie Mildred Allen, Joseph Franklin Allen, Lillie Ida Allen, Effie Nora Allen, Anna Clara Allen, Andrew Marcus Allen, Jackson Dewey Allen, Luther Delma Allen and Charles E. Allen as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Dixie

Acting Chairman.

Registered.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. O. R. 6335.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 22, 1903.

Andrew G. Allen,
Smithfield, Texas.

Dear Sir:-

You are hereby notified that on the 16th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William J. Allen et al., of which decision you were advised by registered mail on the 31st day of January, 1903.

Respectfully,



Commissioner in Charge.

No. 6333

For Identification as a Mississippi Choctaw.

Date October 9, 1902

Name Andrew G. Allen.

Age 49 — Blood 1/16

Post Office, Smithfield, Texas,

Father: Jonathan ^{Allen} ~~Goetzman~~ d.

Mother: Martha J. Allen, d.

Claims through father —

Wife (1) Missouri A. Allen (d.)

Wife (2) Louisa " (d.)

Wife (3) Louanna " (d.)

No claim for No. 3 —

Children: Ada May Allen, 20

(mother of above, Missouri A. Allen)

Essie M. Allen, 17

Joseph H. " 16

(Essie and Joseph are by
2nd wife)

Lillie J. Allen — 12

Effie H. " — 9

Anna C. " — 7

Andrew M. " — 5

Jackson H. " 3

Luther H. " 4 m

Louanna mother of last listed —
claims for self and 9

Stenographer Clara Mitchell Wood.

6333

File



TO THE
RECEIVED
AUG 25 1903

[Handwritten signature]

CHAIRMAN

General Office M. C. R.

Advising that Sec. of Int. has
affirmed Commission's decision

Andrew G. Allen

Smt. Inf. Sect., 1893.

RETURN TO SENDER
UNCLAIMED

Penalty for private use, \$300.

Department of the Interior
Commissioner of the G. O. and Int.
M. C. R. 1893.
Official business.

MISSISSIPPI COURT

R. O. 52

Andrew G. Allen et al

DECISION RENDERED JAN 31 1903

RECEIVED M. C. R. 52 00



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 17 1903

CHAIRMAN

enclosed to be in
at this office

48



RETURN TO REGISTER
1388 RETURN TO REGISTER

Andrew G. Allen,
Smithfield, Texas.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Rec'd 9 18

Choctaw MCR 6334

John Turner

MCR 6334

Choctaw MCR 6334

John Turner

MCR 6334

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of John Turner, et al., for
identification as Mississippi Choctaws, M.C.R. 6384.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of John Turner, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of John Turner, et al., for iden- tification as Mississippi Choctaws-----	8

--0--

Department of the Interior.
Commission to the five Civilized Tribes.
Muskogee, Indian Territory, October 10, 1902.

In the matter of the application of John Turner for the identification of himself and his four minor children Pinky, Johnnie, James Henry, and Cecil Erny Turner as Mississippi Choctaws.

John Turner being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Turner.
Q What is your age? A Forty-three.
Q What is your post office address? A Ceesfield, Texas.
Q What County? A Cook County.
Q Have you always lived in Texas? A No sir.
Q Where were you born? A I was born in Harrison County Texas.
Q How long did you live in that state before you removed from it? A Well my father moved from there when I was very small.
Q Where did you go to? A Come into the Choctaw Nation.
Q Where? (No answer)
Q How long did you stay in the Choctaw Nation?
A Well now sir I cant recollect that.
Q Where did you go to from there? A From there into the Chickasaw Nation and back into Texas again.
Q How long did you stay in Texas that time.
A Well now I cant tell you how long father stayed there.
Q You stayed with him didn't you? A That was when I was little.
Q How long did you live in Texas the last time.
A Been there two years.
Q Where did you live before that? A I lived in the Chickasaw Nation.
Q How long did you live there that time? A Lived there five years.
Q How long before that and where? A Lived four years before that in the Choctaw Nation.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A His name was James Turner.
Q What is your mother's name? A My mother's name is Nancy Turner.
Q Through which parent do you claim Choctaw blood?
A From my father's side.
Q How much Choctaw blood do you claim? A Well you got me again; my father was a half.
Q Your father was a half? A Yes sir.
Q You would be a half of that; you claim wholly through your father do you? A Yes sir.
Q You claim one-fourth then? A One-fourth I reckon.
Q That's one-half of one-half.
Q Has your father ever been recognized in any way or enrolled by the Choctaw tribal authorities or the Unit.

- ed States authorities in the Indian Territory?
- A Yes sir; on the record as a Mississippi Choctaw.
- Q You mean by that that your father James Turner was put upon some roll of the Indians in Mississippi?
- A Yes sir.
- Q But not in the Indian Territory. A No, not in the Indian Territory as I know of.
- Q Did he live in Mississippi in 1830 - your father?
- A Yes sir.
- Q How old would he be if living now? A He died in 1840 I believe somewhere along there.
- Q How old was he when he died? A He was fifty one years old.
- Q He was born in seventeen hundred and ninety something was he? A Yes sir.
- Q How do you know he was enrolled as a member of the Choctaw tribe of Indians in Mississippi? A I looked on the record.
- Q What records did you examine? A Well I cant tell you what records it was.
- Q Have you the proof of the marriage of your father and mother here at this time? A No sir.
- Q Can you tell when and where they were married?
- A No I cant recollect.
- Q Are you married? A Yes sir I'm a married man.
- Q What is your wife's name? A Sallie.
- Q Is she living? A Yes sir.
- Q And is she a Choctaw Indian or a white woman?
- A She's a white woman.
- Q Do you make any claim for her? A None at all; no I aint making no claim for her; just for myself.
- Q Yourself and children? A Yes sir; myself and children; could I make any claim for her? A No, you are trying to identify Mississippi Choctaws not inter-married Mississippi Choctaws.
- A That's what I thought; I dont know anything about this business at all.
- Q What is the name of your oldest child under twenty-one years and unmarried? A Pinkey Turner.
- Q A boy? A Yes sir.
- Q How old is Pinkey? A Pinkey is seventeen.
- Q What is the name of the next one? A The next one is Johnnie.
- Q A boy? A Yes I got four boys.
- Q How old is Johnnie? A Johnnie is six.
- Q Is he next to Pinkey in age? A Yes sir; he's next to Pinkey.
- Q The next? A James Henry.
- Q How old is James Henry? A James is four years old.
- Q The next? A Cecil Erny.
- Q How old is Cecil E.? A Cecil's two months old.
- Q You claim for yourself and these four children?
- A Yes sir.
- Q Is Sallie, your wife the mother of all these children?
- A Only three of them; my oldest boy is the child of my first wife; my first wife is dead.
- Q Sallie is your second wife? A Yes sir.
- Q The first wife's name was what? A Mary.
- Q How long ago did she die? A She's been dead; she died in '37.

- Q Where did she die? A Jack County Texas.
- Q Mary Turner is the mother of Pinkey and Sallie Turner-your second wife is the mother of Johnnie, James and Cecil? A Yes sir.
- Q And you have another daughter have you? A I've got another daughter, a brother to Pinkey Turner but she is married.
- Q You mean a sister to Pinkey Turner? A Yes sir.
- Q What is her name? A Minnie Ware.
- Q Where does she live? A She lives in the Indian Territory in the Choctaw close to Brook.
- Q Have you the proof of your marriage to your first wife Mary, also your second wife Sallie with you? A No sir.
- Q Can you introduce that evidence later if given a little time; you have to show the legal marriage to these women in order to support the claim you make for these children. A Yes sir.

You will be allowed fifteen days daytime in which to introduce any other evidence you want to present; also the marriage of your father and mother.

- Q Is your name on any of the Choctaw tribal rolls in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Neither for yourself or children? A Applications you mean?
- Re-Yes.
- A Yes I made application.
- Q When did you make application? A Three years ago.
- Q Where? A At Durant.
- Q Before the Commission, A Well I was down there at the Commission but didn't make--
- Q You didn't go before the Commissioner-- Dawes Commissioner then? A Yes sir.
- Q Yes you went there but didn't make any application. Wasn't sworn? A No sir.
- Q You didn't make application? A I just went there; they asked me if I had been through Commissioner's Court.
- Q If you had made application? A Yes sir.
- Q Were you sworn? A Yes sir.

The records of the Commission have been examined and no application of John Turner for himself and others appears upon the records in the possession of the Commission as a Choctaw by blood or to be identified as a Mississippi Choctaw.

- Q This is your first application then is it Mr. Turner for citizenship for yourself and children? A The first I know anything of; yes sir.
- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws.
- A Yes sir.
- Q Do you claim under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.
- Q Do you understand that article? A I don't know whether I do or not.
- Q Have you had it explained to you? A No not that I know of.

The treaty of eighteen hundred and thirty was the treaty made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of the treaty was to remove as far as practical all the Choctaw Indians from the Choctaw Nation east of the Mississippi to the new Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of eighteen hundred and thirty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q How do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830; did you ever hear that they did or not? A No sir; not that I know of.
- Q What is the name of your ancestor that you are making this claim through; I mean by ancestor, do you claim through your father or mother or grandfather or grandmother or great grand father or great grand mother. A From my father; that is as far back as I can go.
- Q Cant you go back further than your father. Or dont you want to; do you claim through his father or his mother or do you just go back to your father.
- A To my father is as far back as I can go; as I know anything of.
- Q How much Choctaw blood do you claim for your father?
- A One-half.
- Q Did your father James Turner live in the state of Mississippi at any time? A Yes sir.
- Q Did he live in Mississippi in 1830 and was he the head of a family there then - seventy two years ago and was he married and did he have a family there then

Now he was born you say along in the latter part of the seventeen hundred and nineties. Somewhere along there?

A Well now I cant say as to that.

Q You cant swear whether he had a family in Mississippi in 1830? A No I cant.

Q Do you think he lived there at that time?

A Yes sir.

Q But you cant swear about having a family? A I cant tell you.

That's one of the points you want to cover in any other evidence you present to the Commission later on; you want to show if you can that your father or some Choctaw ancestors of yours lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 when the treaty was made and had a family there then and you want to prove further that that ancestor complied or attempted to comply with article fourteen of the treaty of 1830.

Q Do you know whether any such ancestor of yours did that; have you any such proof at the present time? A None at the present time.

Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the states?

A Not that I know of; I cant state.

That's another thing you want to show your Choctaw ancestor did in order to prove your claim before the Commission.

Q Now did any of your Choctaw ancestors own any land or claim any or receive any from the government under article fourteen of the treaty of 1830 in the old Choctaw Nation? A No sir not that I know of.

Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830?

A I cant tell you.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river -- did your father James Turner go from Mississippi to the Choctaw Nation Indian Territory between 1833 and 1838 or any other time. A I think it was about 1848 or forty four.

Q Did your father go to the Choctaw Nation Indian Territory in 1844 or any other time.

A I think that's it. I aint positive.

Q Did he go at all at any time..

Q Where did he die. A He died in Texas.

Q Did he go from Mississippi to Texas. A No sir I think he first went from Mississippi to the Choctaw Nation and then to Texas; of course I cant recollect my back there.

Q But he did go to Texas and died in Texas? A He died in Bosque County Texas.

Q When did he die there? A In '89.

Q Do you know whether your father or any Choctaw ancestor of yours lived in Mississippi for five years

years after the treaty of 1830 was ratified upon land which they received from the government and after living upon that land for five years received a patent from the government for it. A No sir I dont know.

- Q Did you ever hear that any of your Choctaw ancestors received a patent to land in Mississippi from the government at any time? A No sir I dont believe I did.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required in order to take advantage of article fourteen of the treaty to go to the United States Indian agent within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; because of his neglect to do this -- to make a proper registration of those Choctaw Indians under article fourteen of the treaty of 1830 a good many Indians who had land in the old Choctaw Nation upon which they had improvements had their land and improvements taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that two commissions were appointed by Congress one in 1837 and under an act approved March 3 of that year and another commission was appointed by act of Congress approved August 23 1842; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830; they made a list of the names of all who appeared before each one of them respectively.

- Q Do you know if any of your Choctaw ancestors appeared before either of these two commissions and made any claim to land under article fourteen of that treaty. A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas.
- A Not that I know of.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of eighteen hundred and thirty, and who also further proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Have you any other evidence you want to present now.
- A No I haven't any here at all, and how come me to be here I was notified to come.
- Q By your attorney? A Yes sir.

The time allowed this applicant of fifteen days, is extended to thirty days in which time if he desires to do so, he will be permitted to file evidence in support of this application.

James Turner 6

This applicant has the appearance and physical characteristics of being descended from white parentage; has black hair; dark brown eyes; dark complexion; mustache brownish black, a little gray.

Q You don't understand the Choctaw language?
A No sir.

Has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 10th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 11th day of October 1902.

Guy L. Emerson
Notary Public.

COPY.

Cur.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the Application of John Turner, et al., for
identification as Mississippi Choctaws, M.C.R. 6334.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by John Turner for himself and his four minor children, Pinky,
Johnnie, James Henry and Cecil Ray Turner, under the following
provision of the act of Congress approved June 26, 1896 (30 Statute,
495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants

of James Turner, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said James Turner signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1848, (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Turner, Pinky Turner, Johnnie Turner, James Henry Turner and Cecil

Erny Turner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

Tams Dixby.

Acting Chairman.

SIGNED.

T. B. Needles.

Commissioner.

SIGNED.

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

FEB 4 1883.

Muskogee, Indian Territory, February 26, 1903.

John Turner,
Coosfield, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You state that the letter of the Commission notifying you of its action did not reach you until the 14th instant and that you could not file argument within the time allowed.

In reply to your letter you are informed that the fifteen days from February 4, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 19, 1903. On February 20, 1903, the record in your case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days granted applicants in Mississippi Choctaw cases within which to offer arguments in support of their claims to be transmitted to the Secretary of the Interior, are

J T 2

granted under specific departmental instructions and cannot be
extended.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John Turner, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Very truly,

Tamr Ditty
Acting Chairman

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 6334

Muskogee, Indian Territory, February 4, 1903.

John Turner,
Coesfield, Texas.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Turner, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provisions of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Turner, Pinkey Turner, Johnnie Turner, James Henry Turner and Cecil Bray Turner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together

J. T. S.

with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Pixby

Acting Chairman.

Registered.

M.C.R. 6334.

C.

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Turner, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Turner, Pinky Turner, Johnnie Turner, James Henry Turner and Cecil Erny Turner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tame Bixby.

Acting Chairman.

M.O.R. 6534.

Wickago, Indian Territory, April 27, 1903.

W.S. Cobb,

Attorney at Law

Hot Springs, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 21, 1903, enclosing motion for a continuance in the Mississippi Choctaw case of John Turner, et al.; and the same is returned to you herewith for the reason that on February 20, 1903, the record in this case was forwarded to the Secretary of the Interior, and the Commission is now without authority to receive or consider any further evidence in support of this claim.

Respectfully,

Chairman.

Enc B I 25-80.

(COPY)

Land.
12785-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, May 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of John Turner for himself and his four minor children, Pinkey, Johnnie, James Henry and Cecil Erny Turner, for identification as Mississippi Choctaws, claiming rights as such, under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from the principal applicant's father, James Turner who it is alleged was a citizen of the Choctaw Nation and a resident in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants February 4, 1903, for the reason that the ancestor claimed under does not appear on their records among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; and for the additional reason that they have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of James Turner and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that he applied to the Commission appointed to adjudicate the claims of those having rights as Choctaw Indians (5 Stats., 180-513), if he had such rights.

These being ^{the} facts, it is respectfully recommended that the decision of the Commission respecting the applicants, be approved.

Very respectfully,

AC. Tenner,

Acting Commissioner.

C.T.C.

(COPY)

D.C.16421

W.C.P.

ITD.4588-1903.

RAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

May 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 20, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of John Turner and his minor children, Pinkey, Johnnie, James Henry and Cecil Gray Turner. By decision dated February 4, 1903, you refused the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of James Turner, father of the principal applicant, it being alleged that he was a one-half blood Choctaw Indian and a resident of Mississippi in 1830.

The evidence fails to show that the said James Turner complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that any one by the name of James Turner complied or attempted to comply with said article or acts.

Reporting May 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy

-2-

of his letter is inclosed herewith.

The Department after a careful review of the entire record, finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

2 inclosure.

Muskogee, Indian Territory, July 16, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John Turner, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

T. B. Meade.
Commissioner in Charge.

Muskogee, Indian Territory, July 18, 1903.

John Turner,

Goesfield, Texas.

Dear Sir:

You are hereby notified that on the 28th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John Turner, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(S. ON. 10)

T. B. Needles.

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

M. J. . . .

Name John TurnerAge 43 — Blood 1/4Post Office, Cokes, ~~Cokes~~ COLEFIELD Tex.Father: James Turner, d.Mother: Nancy, " l.— Claims through father 1/2
2nd wife
wife, Sallie Turner, l. w.No claim for wife,
1st wife, Mary Turner, (d.)
(mother of Pinky Turner)

Children:

Pinky Turner M. 17.Johnnie " " 6James H. " " 4Becie E. " " 2 m

3 last boys by 2nd wife.

Sallie —Claims for self and
4 minorsStenographer Olivia Mitchell H. C.

A MISSISSIPPI CHOCOLATE

John Turner et al

DECEMBER 4, 1903

O.

ACTED BY THE COURT

IN THE

IN ACTION
FOR THE
AND FOR

JULY 1, 1904

Choctaw MCR 6335

Eliza Kil Patrick

MCR 6335

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. Oct. 11, 1900.

4355

In the matter of the application of Eliza Kilpatrick for
identification as a Mississippi Choctaw.

A. S. Nelson, attorney for applicant.

Eliza Kilpatrick being sworn testified as follows:

Examination by the Commissioner:

- Q What is your name? A Eliza Kilpatrick.
Q What is your age? A Eighty five.
Q What is your post office address? A Bethrie, Okla.
Q How long have you lived there? A Ten years.
Q Where were you born? A In Georgia.
Q Where in Georgia? A Bart County.
Q How long did you live in Georgia? A Thirty years.
Q Then you went where? A To Alabama.
Q And from Alabama where did you go? A Texas.
Q And from Texas where? A Out here.
Q Where you are living now? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Not that I know; I don't suppose she is.
Q What was your father's name? A Daniel Cockittree-- I can't spell
or read.

To attorney:

- Q I will ask you, Mr. Nelson, as attorney, how do you want this name
spelled? A C-o-c-k-i-t-t-r-e-e.
Q You represent all of these claimants, don't you, claiming through
the same common ancestor, John Cockittree? A Yes sir.
Q And you have knowledge that that is the manner of spelling the
name among them? A Yes sir.

To applicant:

- Q What was your mother's name? A Eliza Cockittree.

- Q Do you claim through your father or mother? A Through both.
(Attorney for applicant says father and then the applicant states "My father was the Indian; I don't think my mother had any Indian blood.")
- Q You claim that your father was a full blood Cheetaw Indian? A Yes sir.
- Q How much Cheetaw blood do you claim? A I claim a half.
- Q A half Cheetaw blood? A U - yes sir.
- Q Has your father ever been recognized as an Indian or enrolled as one by the Cheetaw tribal authorities or the United States authorities in the Indian Territory? A I don't know; can't tell you.
- Q Are you married now? A No sir.
- Q Have you any children under twenty-one years of age? A No sir.
- Q How many times have you been married? A Once - nothing but just common.
- Q Common law or custom? A Yes sir.
- Q What was your husband's name? A Bernice Kilpatrick.
- Q He is dead now is he? A Yes sir.
- Q Was he a white man or Indian? A White man.
- Q Did he have any colored blood? A No sir not that I know of.
- Q Have you any children under twenty one years of age and unmarried? A No sir.
- Q You claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Cheetaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Cheetaw Nation to the Cheetaw tribal authorities in the Indian Territory? A This is the first.
- Q You never made application before this time to the Dawes Commission? A No sir.
- Q Under the act of Congress of June 10, 1896? A No sir.
- Q You never have been admitted or enrolled as a Cheetaw Indian by any authority, have you? A No sir.
- Q Do you want to be identified now as a Mississippi Cheetaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand it; or would you like to have it explained to you? A Well, explain it to me right and then I will know.

The Cheetaw Indians were living in the old Cheetaw Nation in 1830 at the time when the treaty of Dancing Rabbit Creek was made between the United States Government and the Cheetaw tribe of Indians. That treaty was made in order to remove all these Indians from the old Cheetaw Nation to the Cheetaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Cheetaw Indians would not go to the Cheetaw Nation, Indian Territory; and in order to protect the interests of these Indians who stayed back in the old Cheetaw Nation, article fourteen was put into the treaty of 1830. An article in a treaty is one of the parts of a treaty, just a part of it, or a section of it. Now this article fourteen which was passed for the benefit of Mississippi Cheetaw Indians, under which you now make this claim is as follows:

"Sec. - each Cheetaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so and by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to reservation of one section of six hundred

and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's article fourteen, grandma, under which you are making your claim today. A Yes sir.

Q Did any of your Choctaw ancestors claim under that article or comply with it at all? I mean by ancestors, your grandmother or grandfather or their parents, any relation back in a straight line?

A)(No answer).

Q What was the name; give me some relative now away back in a straight line. A My grandfather was named Johnnie or John Ockittree. I can't spell nor read.

Q Mr. McRea, as attorney, how do you suggest that it be spelled? By McRea: O-o-k-i-t-t-r-e-e-

Q Do you want it spelled that way, do you? A Yes sir.

Q Do you want to make a statement as attorney in the case that that is the way- that you are reasonably certain that's the correct spelling of the name of her grandfather? A Yes sir.

To applicant: Q How much of an Indian was the grandmother? A I can not tell you anything about it; but Daniel Ochiltree was my father.

Q Was John Ockittree his father? A Yes sir.

Q Did your father, Daniel, live in Mississippi? A I can't tell you anything about where they went to.

Q Did you ever hear that your father, Daniel, ever did live in Mississippi or Alabama? A I heard my grandfather lived somewhere, but I don't know where.

Q Where did you hear he lived? A I don't know where it was.

Q You don't know anything about that then? A No sir.

Q Did you ever hear anybody say that John Ockittree lived in Mississippi? A No sir, only that way back he owned some man some where.

Q Did you ever hear that John Ockittree owned any land in Mississippi that he got from the Government in Mississippi? A Well I have heard such talk as that but I don't know it.

Q You never heard that Daniel, your father/ ever got any land in Mississippi, did you? A No sir; never heard.

Q Had either Daniel, your father, or John, his father, within six months after the treaty of 1830 was ratified go to the United States Indian agent and tell him that they wanted to stay in Mississippi and take land there? A No sir I don't know nothing about it.

Q Did any of them go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, under article fourteen of the treaty of 1830? A Never heard.

Q Did any of your ancestors, and I mean now particularly Daniel, your father, or John Ockittree, his father, live in that old Choctaw Nation East of the Mississippi River in 1830 and after going to F. C. Ward, the Indian agent, registered under article fourteen of the treaty and receive land in the old Choctaw Nation upon which they lived for five years and after living on it for five years receive a patent to it from the Government; ever hear any such thing?

A I can't recollect.

Q Did you ever hear that any of your Chectaw ancestors went from that old Chectaw Nation East of the Mississippi River to the Chectaw Nation, Indian Territory, at the time after the treaty of 1830 was ratified? A I heard say.

Q Who did you hear went? A The Indians.

Q Did any of your ancestors go from Mississippi or Alabama to the Chectaw Nation, Indian Territory at any time? A I don't know nothing about that.

Q Now, grandma, the Indians who stayed back in the old Chectaw Nation after the treaty of 1830 was ratified refusing to go to the Chectaw Nation, Indian Territory, under the general provisions of the treaty were required, if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a good many Chectaw Indians did this whose names Col. Ward neglected to put upon his list known as Ward's Register. This caused many complaints among the Indians because the Government took their land from them and sold it; so that in 1837 as well as 1842 under various acts of Congress passed Commissions were appointed; these Commissions went to Mississippi and heard claims under article fourteen of the treaty of 1830. Did any of your Chectaw ancestors go before either of these two Commissions? A I don't know.

Q Did any of your Chectaw ancestors receive any scrip from the Government which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under act of Congress approved August 23, 1842. Do you speak or understand the Chectaw language? A No sir.

Q Are you related to some people who have been before the Commission to be identified as Mississippi Chectaws who claim through James Ochiltree? (Attorney says "yes" - an application has been made by James Ochiltree who claimed through John Ochiltree; this applicant claims through the same common ancestor James and others do.)

Q Do you want to have this case consolidated with theirs claiming through John Ochiltree? A Yes sir.

(James Ochiltree, et al. M.C.R. 4562, is here referred to for the purpose of consolidation.)

Q Have you any evidence you want to present now? A No sir.

(To attorney)

Q Any questions you want to ask, Mr. McRea?

Examination by A.S. McRea:

Q Grandma, do you claim that John Ochiltree whose name appears upon volume 7 American State Papers is the same John Ochiltree you claim is your grandfather? A I do; yes sir.

Q How do you know that this is the same person as your grandfather?

A I knew cause my father said so.

Q Do you know it from family history? A Yes sir.

By the Commission:

Q The name of John Oakittree whose name appears on page 682 of Vol. 7 American State Papers, Public Land, in a list of military donations of 100 acres granted by the Governors to the militia in Vincennes on the 1st of August, 1790--- this then is the ancestor through whom you are making your claim inow to be identified as a Mississippi Chectaw? A Yes sir.

This applicant has the appearance of being descended from mixed ancestry of either Indian and white or Indian, white and negro blood. Her general appearance, and color of her eyes, and complexion, and her features generally would indicate a considerable strain of Indian blood which she claims is Chectaw; the Commission is of the opinion that the Indian blood is mixed with white, but is unable to determine whether this applicant has any negro blood; she does not speak or understand the Chectaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on October 11, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 16th day of October, 1902.

Philip B. Hopkins

Notary Public.

COPY

Muskogee, Indian Territory, December 1, 1902

Eliza Kilpatrick,
Guthrie, Oklahoma.

Dear Madam:

You are hereby advised that on the 1st day of December 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Ochiltree, et al., embracing the following applications for identification as Mississippi Choctaws:

James Ochiltree, et al.,	M.O.R. 4852
Mary Thompson, et al.,	4968
William Ochiltree, et al.,	4995
George Ochiltree, et al.,	4996
Sarah Robinson, et al.,	4900
Philip Ochiltree,	4898
William Gage,	5665
Isaac Ochiltree, et al.,	6239
Eliza Kilpatrick,	6335
Abraham B. Halliday, et al.,	6334
	6331

These applications were made under the provision of the act of Congress of June 25, 1906 (34 Stat., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary therein and make report on the same to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Oehiltree, Bessie Oehiltree, Beulah Oehiltree, Viola Oehiltree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson, Charley Thompson, Mamie Thompson, Arthur Thompson, Lillie Thompson, Earnest Thompson, Sam R. Thompson, Etta May Thompson, Morgan Thompson, William Oekittree, Willie Anna Oekittree, Carrie Oekittree, Sterling Oekittree, George Oekittree, George Oekittree, Jr., Walter Oekittree, Thomas Oekittree, Leila Ann Oekittree, Howard Oekittree, Van Oekittree, Lavinia Oekittree, Chester Oekittree, Ernest Oekittree, Sarah Robinson, Mary Robinson, Allie Robinson, Sallie Robinson, Lee Roy Robinson, Philip Oehiltree, William Gage, Isaac Oekittree, George Oekittree, Mary Oekittree, Joseph Oekittree, Effie Oekittree, Sarah Oekittree, Eliza Kilpatrick, Louisa E. Burgess, Abraham E. Halliday and Theron Halliday as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CHIEF

Lyne Percy.

Acting Chairman.

Registered.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6335

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

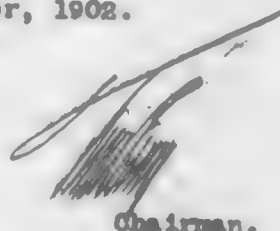
Muskogee, Indian Territory, March 23, 1903.

Eliza Kilpatrick,
Guthrie, Oklahoma.

Dear Madam:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of James Ochiltree, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,



Chairman.

No. 6535

For Identification as a Mississippi Choctaw.

Date

OCT 1 1902

Name Eliza Kilpatrick,

Age 85. Blood $\frac{1}{2}$.

Post Office, Guthrie, Okla. —

Father: Daniel Penitree, d.

Mother: Julia " d.

Claims through father, (full choctaw)

~~His~~ Husband.

Bernice Kilpatrick (d)
(w.)

~~Notes:~~

Claims for self alone.

Stenographer H. G. Haines

1-335



DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 2 1903

A handwritten signature in dark ink, appearing to be 'J. H. Smith'.

Standard Mail

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RETURN
Klabra.

11/4/02

Received of Commissioner to Five Tribes
one copy of testimony in MER 6335
(1.3) M. H. G.

Eliza Kilpatrick

REFUSED R-6335

FORWARDED. DEC 1 - 1902

NOTICE OF ACTION FORWARDED TO APPLICANT

DEC 1 - 1902

NOTICE OF ACTION FORWARDED
TO APPLICANT

1902

NOTICE OF ACTION FORWARDED TO ATTORNEY
FOR CHIEF

DEC 1 - 1902

RECORD FORWARDED DEPARTMENT

DEC 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 12 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.

MAR 23 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEY OR APPLICANT

MAR 23 1903

NOTICE OF ACTION
FORWARDED TO ATTORNEY FOR CHOCTAW
AND CHICKSAW TRIBES

MAR 23 1903

REFER TO M.C.B. 26

Choctaw MCR 6336

Louisa E. Burgess

MCR 6336

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. OCTOBER 11, 1902.

6386

In the matter of the application of Louisa E. Burgess for identification as a Mississippi Choctaw.

A.S. McRea, attorney for applicant:

Louisa E. Burgess being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Louisa E. Burgess.
Q What is your age? A Fifty five.
Q What is your post office address? A Guthrie, Oklahoma.
Q How long have you lived in Oklahoma? A Ten years.
Q Where did you live before you lived in Oklahoma? A Texas.
Q How long did you live in Texas? A Twenty years.
Q Where did you live before that? A Alabama.
Q How long did you live in Alabama? A I don't exactly know.
Q Were you born in Alabama? A No sir; Georgia.
Q Did you go from Georgia to Alabama? A Yes sir.
Q Where did you live most of the time in the State where you were born? A Well, I was small- I can't tell, only in Burke County.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q Is this your mother here? A Yes sir.
Q She is how old? A She claims to be 85 years old.
Q And what is her name? A Eliza Kilpatrick.
Q She made application today, didn't she to be identified as a Mississippi Choctaw? A Yes sir.
Q What was your father's name? A Bernice Kilpatrick.
Q You claim through your mother, you say? A Yes sir.
Q How much Choctaw blood does she claim? A A half.
Q What is her other blood besides the Choctaw blood that you claim she has? A White and colored; negro and white.
Q About how much white? A I guess she claims a quarter; I claim an eighth negro and an eighth white; all the negro I have is from my mother.
Q And all the Choctaw you have is what you got from your mother? A Yes sir.
Q Has your mother ever been recognized in any way as a member of the Choctaw tribe by either the Choctaw tribe, the United States or the United States authorities in the Indian Territory? A No sir.

Q Are you married? A Yes sir.
 Q Husband living now? A Yes sir.
 Q What is your husband's name? A John H. Burgess.
 Q What is his blood? A Well, he is a negro- he has a little Indian, but---
 Q Well, how much negro blood does he have? A Very near all; but don't show to be a my Indian worth talking about;
 Q He has no white blood? A No sir.
 Q Were any of your relatives- your father or mother or their parents slaves at any time? A My mama was.
 Q Then you were born a slave? A Yes I was born in slavery and they worked me nine years after my father died.
 Q Where were you a slave- in what State? A In Alabama and Texas.
 Q And your mother at the same place? A Yes sir.
 Q Both owned by the same master? A Yes sir when my father was living; when my father died- by the Southern rule they sold us.
 Q Was your father the master of your mother? A Yes sir.
 Q And your master and father as well? A Yes sir.
 Q How have you any children you want to make application for under twenty one years of age? A No sir I haven't got none under 21
 Q You just claim for yourself? A Yes sir.
 Q How many children have you ever twenty one who you expect will come before the Commission? A I have one. Abram E. Halliday.
 Q What is his post office address? A Chandler, Oklahoma.
 Q Is he married? A Yes sir.
 Q And has a family? A Yes sir.

It will be necessary for him to appear as soon as possible, because this case will not be continued very much longer, if any of your people want to make application and become consolidated under this case.

Q James Oakliffe is a relative of yours who has been before the Commission? A I have heard that; I claim him cause he is an Oakliffe.
 Q Does he claim through the same common ancestor, Jah Oakliffe, through whom you are making this claim? A I don't know.
 Q Is your name on any of the tribal rolls of the Choctaw nation in Indian Territory? A Not sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A Not before now.
 Q Have you ever made such application to the Dawes Commission under the act of June 10, 1896? A Never made any application until today.
 Q Do you now make application to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830?
 A Yes sir.
 Q Do you understand that article? A Not exactly.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, that year; the object of this treaty was the removal as far as possible of the Choctaw Indians who lived in the old Choctaw Nation west of the Mississippi River from that Nation to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the general provisions of the treaty; in fact, before the treaty was signed,

interests of those Indians who stayed back there in the old Choctaw Nation, article fourteen was put into the treaty of 1830; then the treaty was signed and later on was ratified; that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestor's comply or attempt to comply with any of the provisions of that article? A Well, I don't know; I just heard my grandfather had some land in Mississippi; but that's all I know; I never saw one of them/ I just heard it.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian agent, G. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States- in other words/ did any of your Choctaw ancestors comply with article fourteen of the treaty of 1830? A I don't know.
- Q You said that your mother was a slave during the war and that you were; now could they have taken property there? A No sir, my mother couldn't; I wasn't born at that time.
- Q John Ockittree was also a slave wasn't he? A No sir he was Indian; I never heard he was; I heard he was full blood Choctaw Indian.
- Q Did he have a son, Daniel? A Yes sir; my mother's father; I claim through him.
- Q Did he have Choctaw blood? A Daniel was Choctaw-- cause John Ockittree was Choctaw and he was his son.
- Q Was Daniel a slave? A No sir.
- Q Was his wife a slave? A Yes his wife was.
- Q Your mother was a slave through her mother then? A Yes sir.
- Q You want to have your mother's case and yours considered together? A Yes sir.
- Q Do you want it all considered under the case of James Ockittree, 4552? A Yes sir.

Case No. 4552 is here referred to for the purpose of consolidation.

The Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent, G. Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this, whether or not the Choctaw Nation was a

Col. Ward neglected to put their names on his register list; because of his neglect these Indians had their lands taken from them by the Government and sold; these lands were located in the old Choctaw Nation East of the Mississippi River; Because they were taken from them by the Government and sold a great many complaints were made and on account of the complaints made Congress appointed two Commissions one in 1837 and 1842; these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did you ever hear that any of your Choctaw ancestors went before either of these two Commissions and claimed rights under article fourteen of the treaty of 1830? A No sir I never heard.

Q You don't think they could, do you, provided your mother and Daniel's wife were slaves? A Well, Daniel and John wasn't; they could have went.

Q Well, now, your mother is 85; was she living in Mississippi or Alabama in 1830? A No, mother never came to Alabama till after I was there.

Q When she didn't live in Mississippi or Alabama at the time of the treaty? A No sir.

Q Neither did her father or mother? A No sir; not that time;

Q When she did go to Mississippi or Alabama she was moved by her master? A Yes sir.

Q Did you remain there till the emancipation? A No sir- to Texas- I was in Texas but mother stayed there in Alabama.

Q Did any of your Choctaw ancestors get any scrip from the Government as Choctaw Indians? A Not that I knew of.

To attorney:

Q Any questions, Mr. McRea?

Examination by A.S. McRea:

Q Mrs. Burgess, do you claim from John Ockittree whose name appears upon volume 7 American State Papers to be the same John Ockittree that you claim to be your great grandfather? A Yes sir.

Q Why do you think that is the same person? A Well my mother tells me that Daniel Ockittree was her father and that John Ockittree was her grandfather and that's all the Ockittrees I ever heard of.

Examination by the Commission:

Q Was the John Ockittree whose name appears upon page 452 Volume VII American State Papers in a list of military donations of 100 acres granted by the Governor to the militiamen in Vincennes on the 1st day of August, 1790- A I think that's my great grandfather.

Q How do you know that that John Ockittree was your great grand-
father? A Well, I just taken him by the name.
Q Because it is the same name? A Yes sir, and never heard of it--
Q And because it is spelled the same? A I spell it Ock-it-tree.
Q Well, now what makes you spell it that way? A Well, I have heard
it spelled in by-gone days, and sometimes I don't forget.
Q Can you read or write? A Yes sir I can read and write some.
Q You don't speak Choctaw, do you? A No sir.

This applicant has the appearance and physical characteristics
of being descended from mixed ancestry; of white and Indian and negro
blood in which the white predominates; her eyes are blue, hair gray-
(it was dark brown formerly); she has no knowledge of the Choctaw
language; her mother, Eliza Kilpatrick has been described as looking
very much like a half Choctaw Indian, but this daughter does not
does not look anything near as much like an Indian as her mother.
She has no knowledge of the compliance on the part of any of her
ancestors with any of the provisions of article fourteen of the
treaty of 1830; she states that her mother was a slave before the
war and that her mother's mother was also a slave and that this
applicant also who is now 55 was a slave until the emancipation;
this applicant was born in Georgia and when small removed with her
mother to Alabama. Her mother was not a resident of the old Choctaw
Nation either in Mississippi or Alabama in 1830 and she claims as
well as her mother claims that John Ockittree, whose name appears
on page 682 of the American State Papers in a list of military de-
mations of 100 acres of land granted by the Governors to the militia
men of Vincennes on the 1st day of August, was her grandfather.

Henry S. Hains being sworn on his oath states that as stenograph-
er to the Commission to the Five Civilized Tribes he reported in
full the proceedings had in the above entitled cause on October 11,
1902, and that this is a full, true and correct transcript of his
stenographic notes in same.

Henry S. Hains

Subscribed and sworn to before me this 16th day of October, 1902.

Philip J. Hopkins
Notary Public.

COPY.

Muskegee, Indian Territory, December 1, 1902.

Louisa E. Burgess,
Guthrie, Oklahoma,

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Gehltree, et al., embracing the following applications for identification as Mississippi Choctaws:

James Gehltree, et al.,	M.C.R. 4552
Mary Thompson, et al.,	" 4960
William Gekittree, et al.,	" 4995
George Gekittree, et al.,	" 4996
Sarah Robinson, et al.,	" 4000
Philip Gehltree,	" 4899
William Gage,	" 5005
Isaac Gekittree, et al.,	" 6239
Elinor Kilpatrick,	" 6336
Louisa E. Burgess,	" 6336
Abraham E. Halliday, et al.,	" 6341

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stats., 490) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

---2---

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Oehiltree, Bessie Oehiltree, Beulah Oehiltree, Viola Oehiltree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson, Charley Thompson, Manie Thompson, Arthur Thompson, Lillie Thompson, Earnest Thompson, Sam R. Thompson, Etta May Thompson, Morgan Thompson, William Oekittree, Willie Anna Oekittree, Carrie Oekittree, Sterling Oekittree, George Oekittree, George Oekittree, Jr., Walter Oekittree, Thomas Oekittree, Leila Ann Oekittree, Howard Oekittree, Van Oekittree, Lavinia Oekittree, Chester Oekittree, Ernest Oekittree, Sarah Robinson, Mary Robinson, Allie Robinson, Sallie Robinson, Lee Roy Robinson, Philip Oehiltree, William Gage, Isaac Oekittree, George Oekittree, Mary Oekittree, Joseph Oekittree, Effie Oekittree, Sarah Oekittree, Eliza Kilpatrick, Louisa E. Burgess, Abraham E. Halliday and Theron Halliday as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said Article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamc Dixie.

Acting Chairman.

Registered.

COMMISSIONERS

TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6336

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

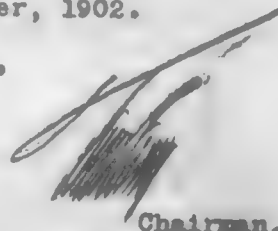
Muskogee, Indian Territory, March 23, 1903.

Louisa E. Burgess,
Guthrie, Oklahoma.

Dear Madam:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of James Ochiltree, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,



Chairman.

No

6886

For Identification as a Mississippi Choctaw.

Date

OCT 1 1892

Name Louisa E. Burgess.

Age 55 Blood 1/4

Post Office Guthrie, Okla.

Father: Eliza Keftabrick, d

Mother: Eliza Keftabrick, l.

Claims through mother, 1/2 -

Husband,

John H. Burgess
negro.

Children: 5

Claims for self
alone.

Stenographer H. S. Harris

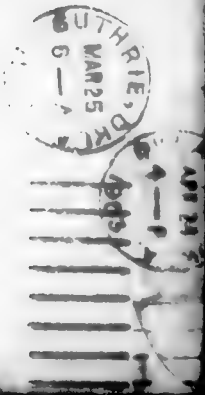
DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 25 1903



CHAIKIDZAN



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RECEIVED
MUSKOGEE, Oklahoma.

Received of Commission to Five Tribes
one copy of testimony in M.C. 1331
A. S. M. L.

Louisa E. Burgess.

REFUSED

DECISION RENDERED JUL 17 1902

NOTICE OF DECISION RENDERED JUL 17 1902

DEC 1 - 1901

NOTICE OF DECISION RENDERED JUL 17 1902

DEC 1 - 1901

NOTICE OF DECISION RENDERED JUL 17 1902

DEC 1 - 1901

RECORDS OF THE BUREAU OF LANDS

DEC 17 1902

ACTION OF THE BUREAU OF LANDS

MAR 12 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARD

MAR 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT THE BUREAU OF LANDS

MAR 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT THE BUREAU OF LANDS
AND CHICKASAW NATIONS.

MAR 23 1902

REFER TO M. C. R.

Choctaw MCR 6337

Mary E. Commons

MCR 6337

Department of the Interior.
Commission to the five Civilized Tribes.
Muskegee, Indian Territory, October 13, 1902.

In the matter of the application of Mary Elizabeth Commons for the identification of herself and her four minor children Vernon C., William T., Edward C., and Myrtle E. Commons as Mississippi Choctaws.

Applicant represented by T. D. Tayler, Attorney at Law.

Mary Elizabeth Commons being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Elizabeth Commons.
Q What is your age? A I was born in 1872.
Q Thirty years old are you? A Yes sir; September seventeenth.
Q What is your post office address? A Clinton Texas/
Q Have you always lived in Texas? A No sir.
Q Where were you born? A I was born in Texas at Bastrop.
Q Where did you live outside of the State of Texas?
A Mississippi.
Q How long did you live in Mississippi? A About nine years.
Q The rest of the time have you lived in Texas.
A No sir.
Q Where did you go to from Texas? A I went to Mississippi from Texas.
Q And you came back to Texas and lived there since? A Lived in Texas a year.
Q And you went where? A Clay County.
Q You have been in Texas all the time except the time you lived in Mississippi? A No sir I lived in Mississippi about nine years.
Q The rest of the time you lived in Texas? A No we lived part of the time in Arkansas.
Q How long did you live in Arkansas. A About eight years.
Q From there you went back to Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Norman W. Vaughan.
Q How do you spell that - V-a-u-g-h-a-n? A A-n.
Q What was your mother's name when she died? A Sarah Elizabeth Vaughan.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir not that I know of.
Q Do you know when and where your father and mother were married? A In Mississippi.
Q Do you know where in Mississippi? A In Lee County I suppose.
Q Do you know the exact date - the day of the month and year?
A About 1888 I think - January or February.

- Q Were they married by a minister under a license? A I dont know sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A John H. M. Commons.
- Q Is he a white man or a Choctaw Indian? A He's a white man.
- Q And living? A Yes sir
- Q Do you make any claim for him? A No sir.
- Q Have you any minor children? A Yes sir I have four.
- Q What is the name of the oldest child that you want to make application for? A Vernon C. Commons.
- Q Is that a boy? A Yes sir.
- Q How old is Vernon? A May 11th 1897
- Q He's five years old is he not? A Yessir.
- Q Now the next? A William T. Commons.
- Q What is his age? A Four years old the 16th of August; this last August.
- Q What is the name of the next? A Edward C. Common.
- Q How old is Edward? A He will be two years old the 6th of November.
- Q One year and eleven months now? A Yes sir.
- Q The next? A Myrtle M. Commons.
- Q How old is she? A She was born the 11th of September ; a month old.
- Q Is J. H. M. Commons the father of this child.
- A Yes sir
- Q Are you and your husband living together as husband and wife and are these children living with you at your home?
- A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory. A No sir/
- Q For yourself and children? Have you ever made such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws. A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A Yes sir.
- Q Do you want it further explained to you or not.

By T. D. Taylor, Attorney for Applicant: If you will excuse me -- I tried to explain it to her this morning the best I could.

- Q You don't care for another explanation do you? A No sir.
- Q It reads as follows:

"Each choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by

sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it."

Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article of that treaty to your knowledge. A I don't know sir.

Q What is the name of the ancestor through whom your claim your right to be identified as a Mississippi Choctaw?

A (No answer)

By T. D. Tayler, Attorney for applicant: What is your ancestor's name that you want to claim through; who is the Indian in Mississippi that you want to claim through?

A My grandfather.

Q What is his name? A Richard Vaughan.

Q Do you know what his father's name was; that would be your great grandfather? A James I think.

By the Commission.

Q Your great grandfather was James Vaughan? A Yes sir.

Q V-a-u-g-h-a-n or V-a-u-g-h-n? V-a-u-g-h-a-n, do you spell it? A Yes sir.

Q Did you ever hear of Captain James or Captain Jim Vaughan.

A Yes sir.

Q Did you ever hear that This James Vaughan your great grandfather was called Captain Jim or Captain James?

A It was my great uncle.

Q Captain James was your great uncle? A Yes sir.

Q Was Captain James any relation to this man? A Yes sir he was my grandfather's brother.

Q Your grandfather or great grandfather? A My grandfather's brother.

Q This is your great grandfather is it. A Richard is my grandfather.

Q James is your great grandfather? A Yes sir.

Q Tell me what relation Captain Jim or James Vaughan was to your great grandfather? A He was my grandfather's brother.

Q Captain Jim Vaughan was James Vaughan's brother? A No. Captain James Vaughan was my grandfather's brother.

Q And Captain Jim Vaughan was your grandfather's son?

A Yes sir.

Q Was Captain Jim Vaughan your great grandfather's son or not - and a brother of Richard Vaughan? A Yes sir.

Q James Vaughan then was the father of Richard Vaughan too? A Yes sir.

Q How much Choctaw blood did James Vaughan have; this James Vaughan that you claim through now? A He was a full blood I think.

Q How do you know that James Vaughan your great grandfather was a full blood Choctaw Indian? A My grandfather was half.

Q How do you know your grandfather was half Indian? Did your father say so? A Well I've heard them talk about it.

- Q His name was what - your grandfather now? A Richard.
- Q Did your grandfather Richard Vaughan or his father James Vaughan your great grandfather either of them live in Mississippi in 1830? A I dont know sir.
- Q Did you ever hear of any Choctaw ancestor of yours who lived in the State of Mississippi or Alabama in 1830 and were the heads of families there then? A My grandfather lived in Mississippi.
- Q That's what I asked you a little while ago; now do you wish to change that testimony and say that your grandfather Richard Vaughan did live in Mississippi in 1830? A Yes sir.
- Q What makes you think that your grandfather Richard did live in Mississippi in 1830? A I've heard them talk about him living there.
- Q Do you know who John W. Vaughan is? A That's my uncle.
- Q He's the son of Richard is he not? A Yes sir.
- Q He made application to be identified here before the Commission September 22, 1902 didn't he? A Yes sir.
- Q He's an old man now; about sixty one is he? A Yes sir I reckon he is.
- Q He lives at Tantis Texas. A Yes sir.
- Q Do you want to have your case and his consolidated? A Yes sir.

The case of John W. Vaughan M.C.R. 6282 is here referred to for the purpose of consolidation.

- Q Did your ancestor James Vaughan through whom you claim your right to be identified now as a Mississippi Choctaw go to Colonel Ward within six months after the ratification of the treaty of 1830 and tell him he wanted to stay in Mississippi take land and become citizen of the state or not; in other words did James Vaughan your great grandfather register or attempt to register under article fourteen of the treaty of 1830? To your knowledge? A No sir.
- Q You dont know anything about that? A No sir.
- Q Did he, after going before the agent have land given to him by the government, live upon it five years and then get a patent of it? A No sir not that I know of.
- Q Did any of your ancestors come to the Indian Territory with the other Indians between 1833 and 1836? A No sir not that I know of.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A No sir.
- Q Did any of them come to the Indian Territory at any time from the old Choctaw nation - straight from the old Choctaw Nation? A Not that I know of.

The Indians who lived in Mississippi after the treaty of 1830 was ratified were required in order to take advantage of article fourteen of the treaty to go to the United States Indian agent within six months from the ratification of the treaty and register under that article; a good many Indians did this whose names Colonel Ward neglected to put upon his register known as Ward's register; his neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to have both taken from them by the government and sold at it's public land sales; on account of the complaints made by the Indians Congress appointed Commissions, one in 1837 and by an act of Congress

approved March 3 of that year and another in 1842 by an act of Congress approved August 23 of that year; these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits under article fourteen of the treaty of 1830 or receive any.

A How was it.

Q Well that's a mighty long question; explain it to her please Mr. Attorney.

By T. D. Taylor, Attorney for applicant

Q Did any of your ancestors go and get any scrip ----

By the Commission:

Q No, not any scrip. Did any of them go before the Commission of 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830.

By T. D. Taylor, Attorney for applicant:

Q Do you understand it now or do you know anything about it?

A Not that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which had been taken from them in the old Choctaw Nation? A No sir.

This scrip was issued under act of Congress approved August 23, 1842 and was given to those Indians who first proved their rights under article fourteen of the treaty of 1830 and then proved that they had had land taken from them in the old Choctaw Nation by the government and sold.

Q Do you speak or understand the Choctaw language? A No sir

Q Have you any other evidence you want to present at this time? A No sir.

To Mr. Taylor: Any evidence Mr. Taylor?

A No.

Q You don't care for any time? A Well are you granting any time now?

Q I can grant you a little. A We will take it and then if we don't use it it won't do any harm.

Fifteen days time is allowed from the date hereof for this applicant to file other testimony if she desires or introduce other witnesses in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; very dark brown eyes; medium dark complexion; thin features; she doesn't speak or understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Mary Elizabeth Gannon 4

Clara Mitchell Wood, being first duly sworn, upon her oath states, that as stenographer for the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the thirteenth day of October, nineteen hundred and two, and that the above and foregoing is a full, true, and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 14th day of October 1902.

Philip B. Hopkins
Notary Public.

COPY.

Muskogee, Indian Territory, April 13, 1903.

Mary E. Commons,
Clinton, Texas.

Dear Madam:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Vaughan et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Vaughan, et al.,	M C R 6282
Carrie M Ballard, et al.,	M C R 6283
Richard Vaughan,	M C R 6285
William N. Vaughan,	M C R 6286
Sallie A. Young, et al.,	M C R 6284
Mary Elizabeth Commons, et al.,	M C R 6287
Daniel Y. Vaughan, et al.,	M C R 6287

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Vaughan, James L. Vaughan, Frances L. Vaughan, Murray D. Hansard, John W. Hansard, Carrie M. Ballard, Vivian L. Ballard, Edward M.

Ballard, Richard Vaughan, William N. Vaughan, Sallie A. Young, Marvin L. Young, Alma L. Young, Mary Elizabeth Commons, Vernon C. Commons, William T. Commons, Edward C. Commons, Myrtle B. Commons, Daniel Y. Vaughan, Leser May Vaughan, Aaron Ola Vaughan, and L. B. Vaughan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

I amc. Dicks
Chairman.

Registered.

M.C.R. 6337

COPY,

Muskogee, Indian Territory, July 23, 1904.

Mary E. Commons,

Clinton, Texas,

Dear Madam:

You are hereby notified that on the 9th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Vaughan et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

MCR-6337.

Muskogee, Indian Territory, January 23, 1907.

Mary E. Commons,
Clinton, Texas.

Dear Madam:-

You are hereby notified that on January 14, 1907, the Secretary of the Interior denied a motion, filed by Richard Byington of Caddo, Indian Territory, March 3, 1906, praying for a rehearing of the application of Daniel Y. Vaughan, one of the applicants in the consolidated Mississippi Choctaw case of John W. Vaughan et al.

Respectfully,

Yours Truly,
Wm. Bixby.

Commissioner.

For Identification as a Mississippi Choctaw.

Mr. Mary E. Commons

Age 78

born Clinton, Texas,

now Norman W. Laughland

and Sarah E. Laughland, &

her mother, father,

husband.

E. M. Commons, her

brother for husband

children

Lemon E. Commons, 10, 5

William D. " 4

Edward C. " 2

Myrtle E. " 1 m.

Living for sec. 2

in sec. 2

Shoemaker's Creek, Mississippi

AM 1918

Mary E. Com

RELEASED

APPROVED BY
SECRETARY OF INTERIOR

1904

FOR

AND OTHER NATIONS.

RELEASED

REPORT TO M. C. R.

Choctaw MCR 6338

George B. Jopling

MCR 6338

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. OCTOBER 18, 1902.

6358

In the matter of the application of George B. Jopling for the identification of himself and his four minor children, Oscar, Joseph I., Iva G., and James L. Jopling, as Mississippi Choctaws.

B.S. Johnson, attorney for applicant.

George B. Jopling being sworn on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A George B. Jopling; J-o-p-l-i-n-g.
Q How old are you? A I am thirty seven years.
Q How much Choctaw blood do you claim? A I don't know how to figure it out; my grandmother was a half breed.
Q Did she marry a white man? A Yes sir.
Q Whom do you claim your Choctaw blood from? A My mother.
Q That would make your mother then a quarter? A Yes sir.
Q Did she marry a white man? A Yes sir.
Q That would make you an eighth; is that what you claim? A Yes sir.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived there? A Only two days.
Q Where did you live before that? A Came from Texas; Eastern Co.
Q How long did you live in the State of Texas? A Raised there.
Q Were you born in the State of Texas? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A James J. Jopling.
Q How old a man would your father be if living at this time?
A Seventy-six years old.
Q Is your mother living? A Yes sir.
Q What is her name? A Julia D. Jopling.
Q How old is your mother? A She is about 76; I don't know exactly.
Q Through which one of your parents do you claim your Choctaw blood?
A My mother.
Q Has your mother ever been before this Commission and applied for identification as a Mississippi Choctaw? A No sir.
Q Where does she live at this time? A In Eastern County, Texas.
Q Where was she born? A I believe she was born in Georgia; I am not sure.

Q She is 76 years old at this time? A Yes sir.
 Q And born in the State of Georgia? A I won't be sure.
 Q What other State do you think she was born in if not in Georgia?
 A I think in Georgia or Mississippi?
 Q You don't know? A No sir.
 Q Did she ever live in Mississippi or Alabama that you know of?
 A She never lived in Alabama; she lived in Mississippi if she was not born in Georgia--- her people moved from Mississippi to Georgia.
 Q Which parent did you mother get her Choctaw blood from? A From her mother.
 Q What was her name? A Chandler.
 Q Give her full name? A Mary Elizabeth Chandler.
 Q Was she Choctaw? A Yes sir.
 Q How much--? A A half breed.
 Q Was Mary E. Chandler married and the head of a family in 1830?
 A I suppose so; I can't answer that.
 Q Well, you say your mother is 76 years of age. A Well, I never figured it.
 Q Where did she reside in 1830? A I can't tell you whether she lived in Mississippi or Georgia.
 Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the United States authorities or the authorities of the ~~Exist~~ Choctaw tribe? A Not that I know of.
 Q Are you married? A Yes sir.
 Q What is the name of your wife? A Frances D. Jopling.
 Q Does she make a ny claim to Choctaw blood? A No sir.
 Q Have you any children for whom you want to make application?
 A Yes, I have four children. Oscar Jopling, fifteen years old; Joseph I., fourteen; Iva G., twelve, and James L. ten.
 Q Then this claim is for the identification of yourself and your four minor children, is it? A Yes sir.
 Q No claim for the wife? A No sir.
 Q Is your name or the name of any of your minor children to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I can't tell you.
 Q Did you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No sir.
 Q Any one ever made it for you or for your children? A No sir.
 Q Then don't you know that your names are not on any of the tribal rolls of the Choctaw Nation? A I didn't suppose they were.
 Q You never put it there and never authorized it by any one else?
 A No sir. I am satisfied it is not there; I never looked to see.
 Q Do you think the Choctaw authorities are going around the country registering the names of people without any notice to the people--?
 A I wouldn't think so; no sir.
 Q Did you or any one for you or your minor children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
 Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
 Q Have you ever made application prior to this time for yourself or children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and children under the provisions of article fourteen of the treaty between the United States and the Choctaw Indians concluded September 27, 1830? A Yes sir; I don't know much about the treaty now; I am not posted on any of the treaties.
Q But you appear for the purpose of making claim under the fourteen article of the treaty of 1830? A Yes sir.

That treaty was concluded between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830; at that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line; the object of the treaty was to secure the removal of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation West of the Mississippi River which is now Choctaw Nation, Indian Territory. At the time the treaty was made a good many Choctaws didn't want to move to the new country preferring to remain in the old Choctaw Nation and for the benefit of that class of Choctaws article fourteen was made a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they resided upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the land of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The fourteenth article as read to you required that in case a Choctaw elected to remain in the old Choctaw Nation and become a citizen of the States and take land under its provisions should go before the Government agent in the old Choctaw Nation in Mississippi and Alabama and signify to him that is, let him know in some way that he wanted to remain and take land under the provisions of this article and that this notice was to be given within six months from the ratification of the treaty by Congress-- Congress ratified the treaty on the 24th day of February, 1831; after having given this notice he was entitled as a head of a family to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; for each child in his family who was unmarried and over ten years he was entitled to one half that quantity or 320 acres of land, and for each child in his family under ten years of age he was entitled to a quarter section or 160 acres of land, the reservations of the children to adjoin the reservation of the parent and to include any improvement owned by the head of the family at the time of the conclusion of the treaty in 1830. This article also required that if he had received his land from the

Government he should reside upon it for five years, after which time a title in fee simple should be given to him after which he could dispose of the lands at his pleasure; the last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that a Choctaw who remained and took his land under the provisions of this article and complied in other respects by residing five years upon it did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, if he afterward removed over but he did forfeit his right to annuity payments, they were payments annulaly to the members of the Choctaw tribe under treaty provisions.

Q Now, you state you claim under article fourteen and I have read and explained it to you; do you think you understand it now? A I think so.

Q What is the name of your ancestor who lived in Mississippi or Alabama in the old Choctaw Nation at the time the treaty was made? A I don't know; I can't tell you unless it was Barnes.

Q Give the full name; there are so many Barnes' given the Commission that it would be impossible to tell which is which; can you give the name of that Barnes who was living in Mississippi or Alabama in 1830? A I think William Barnes.

Q Was he a Choctaw Indian? A Yes sir/

Q How much Choctaw blood was he possessed of? A It has been my understanding that they was fullblood; I don't know much about it; I have an old uncle that has told me more about the Choctaw blood than any one else; I have never heard my mother talk very little about it; I can't remember much about it.

Q When did you first find out that you had Choctaw Indian blood in your veins? A Ever since I can recollect.

Q U get your Choctaw blood from your mother? A Yes sir.

Q What was her maiden name? A Julia D. Chandler.

Q Who did Julia D. Chandler get her Choctaw blood from A Her mother? Her maiden- her married name was Mary Elizabeth Barnes-

Q Explain to me now; you say that Barnes was her married name and that your mother's name was Julia D. Chandler; how do you account for that? A You have me mixed.

Q Tell me who was Julia D. Chandler's mother and father? A Chandler's Mary Elizabeth Chandler was her mother's name and Josiah Chandler was her father's name.

Q Now which one was the Choctaw? A Mary Elizabeth Chandler.

Q And Julia D. Chandler who married Jopling was Mary E. Chandler's daughter? A Yes sir.

Q What was Julia E. Chandler's maiden name? A Mary E. Barnell.

Q You don't know anything further about your Choctaw blood than Mary Elizabeth Chandler whose maiden name was Barnell, do you?

A No sir.

Q Did this Choctaw ancestor of yours, Mary Elizabeth Chandler, or any less remote ancestor of yours appear before the Government agent in the old Choctaw Nation in Mississippi or Alabama within six months from the 24th day of February, 1831, and notify them that they wanted to stay in Mississippi and take land there--? A I can't tell you.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians and did they reside in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.

Q Do you know if Mary E. Chandler whose maiden name was Barnell comply or attempt to comply with the provisions of Article fourteen?

A No sir, I don't know.

Q Did any of your Choctaw ancestors ever receive any land from the United States Government as Choctaw Indians under the fourteenth article of this treaty? A I can't tell you.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi or Alabama between 1833 to 1838 to the new Choctaw Nation Indian Territory at the time the main portion of the Choctaws removed? A No sir; my grandfather came about that time from Georgia to Arkansas.

Q You say your grandfather moved from Georgia about the time the treaty was made? A About that time.

Q When he wasn't living in the State of Mississippi in the old Choctaw Nation about that time? A No sir.

Q Do you know whether any of your Choctaw ancestors were living in the old Choctaw Nation in Mississippi or Alabama at the time the treaty was made? A No sir.

In accordance with the provisions of article fourteen the Government directed an agent in the old Choctaw Nation in Mississippi or Alabama to register the names of all those Choctaws who wanted to remain and take advantage of article fourteen; the records of the Government show that he failed to register the names of many who signified their intention to do so and on this account the lands of a great many who wanted to remain were taken from them and sold; this caused many complaints; and these complaints finally reached Congress and Congress by an act approved March 3, 1837, and another August 23, 1842, authorized Commissions to go into Mississippi and Alabama and investigate these claims; a large number of claims were investigated by these Commissions, some allowed and others were rejected; of the claims allowed, if the lands had not been sold they were given the lands and if the lands were sold and the Choctaws established claims under this article the laws provided that such as had rights to lands and had had them taken from them and sold this law of 1842 provided that they should receive scrip for them.

Q How did any of your Choctaw ancestors appear before either of these Commissions and establish rights or attempt to establish rights under article fourteen? A I don't know.

Q Do you know whether any of your ancestors received any scrip under the act of Congress of August 23, 1842? A I don't know.

Q Do you know whether any of your ancestors owned any land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

The act of Congress approved August 23, 1842, authorized the issuance of this scrip and also provided that Choctaws who received this scrip could locate on either Mississippi, Alabama, Arkansas or Louisiana.

Q You say that you don't know whether any of your ancestors owned any land in any of these States? A No sir, I don't know.

Q So far as you know did any of your Choctaw ancestors receive any land from the United States Government as Choctaw Indians? A No sir.

Q Do you know of the existence of any deed or patent to land that would tend to show that any of your Choctaw ancestors received land from the Government under the Commission of 1842? Under article fourteen? A No sir.

Q Do you know of any witnesses that you could bring before the

C.J.----6

Commission that could testify that your ancestors received any lands from the Government under article fourteen? A No sir.

Q Have you any documentary evidence you want to file at this time any papers of this kind? A No sir.

Q When and where were you married to your wife? A Cisco, Eastern County, Texas.

Q Have you a copy of the marriage license and certificate you want to file? A No sir.

It will be necessary for you to file either the original or certified copy of same--

Attorney for applicant says they will file it.

You will be allowed fifteen days to do so.

Q Is there anything further; any further statement you want to make in connection with your case? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of a person of white parentage, has dark grey eyes, medium dark complexion, black hair and mustache; he has no knowledge of any act of compliance by his ancestors of with any of the provisions of article fourteen of the treaty of 1830:

Q Have you any relatives who have been before the Commission and who have made application for identification as Mississippi Choctaws?

A I have a brother Jim Joplin who has been before the Commission.

Q Full brother of yours? A Yes sir.

Q Same father and mother? A Yes sir.

Q You derive your Choctaw blood from the same source? A Yes sir.

Reference is made to H.C.R. 4808 Jim Jopling et al; in this case the decision of the Commission refusing the applications of the several applicants as Mississippi Choctaws was rendered July 16, 1902, and the record in the case was forwarded to the department for review on the same date.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on October 15, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 16th day of October, 1902.

Philip T. Haffner
Notary Public

Miss. Choctaw 6336

Muskogee, Indian Territory, October 28, 1902.

George H. Joplin,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between G. H. Joplin and F. V. Sparks, which is offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 9, 1903.

George B. Jopling,
Remailed to Cisee, Texas, to Almeda J. Stephens
Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Almeda J. Stephens, et al., embracing the following applications for identification as Mississippi Choctaws:

Almeda J. Stephens, et al.,	M.C.R. 6339
George B. Jopling, et al.,	M.C.R. 6338

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Almeda J. Stephens, Carrie J. Stephens, Robert V. Stephens, Joe K. Stephens, Katie L. Stephens, Lafayette Stephens, George B. Jopling, Oscar Jopling, Joseph I. Jopling, Iva G. Jopling, and James L. Jopling as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office,

-2-

and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

EDWARD

Tamie Dixby.

Acting Chairman.

Registered.

COPY.

M.O.R. 6538

Muskogee, Indian Territory, May 29, 1903.

George M. Jepling,
Remailed to Cies, Texas, to Almeda J. Stephens
Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Almeda J. Stephens, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

(SIGNED).

T. B. Needles.
Commissioner in Charge.

MOR 6339
MOR 6338

Muskogee, Indian Territory, December 11, 1903.

Almeda J. Stephens,

Olisco, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, requesting to be advised whether or not any land has been allotted to you and your brother, G. B. Jopling, as Mississippi Choctaws. You state that you "registered" about four years ago and have heard nothing since that time in regard to your claim.

In reply you are informed that it appears from the records of this office that on October 15, 1902, you and your brother George B. Jopling, represented by attorney B. S. Johnson, of Durant, Indian Territory, made application for the identification of yourselves and families as Mississippi Choctaws. You and your brother, George B. Jopling, both stated at the time of your application that your post office address was Durant, Indian Territory.

On February 9, 1903, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws

Almeda J. Stephens,
Carrie J. Stephens,
Robert V. Stephens,
Joe K. Stephens,
Katie L. Stephens,

George B. Jopling,
Oscar Jopling,
Joseph I. Jopling,
Iva G. Jopling,
James L. Jopling,

Lafayette Stephens,

A J S 2

for the reason that the applicants failed to prove by the evidence submitted in support of their claim, that they were the descendants of a Choctaw ancestor who complied with the provisions of the 14th article of the treaty of September 27th, 1830.

As you and your brother had not advised this office of any change in your post office address since the submission of your application, you were notified on the date of the rendition of the above mentioned decision that a period of fifteen days would be allowed you within which to file argument in support of your claim. Said notices were sent by registered mail and were returned marked "unclaimed."

The record in the matter of the applications made by you and George B. Jepling for the identification of yourselves and minor children as Mississippi Choctaws, together with the adverse decision of the Commission to the Five Civilized Tribes, was transmitted to the Secretary of the Interior, through the Commissioner of Indian Affairs, February 25, 1903.

The Secretary of the Interior on May 15, 1903, approved the decision of said Commission refusing the applications of yourself and brother for the identification as Mississippi Choctaws, and as you had in no manner advised this office of your whereabouts since the submission of your application, notice of such departmental action was forwarded you at Durant, Indian Territory. This notice was also returned to this office marked "unclaimed."

A. J. S. 3

You are advised that your case, with which was consolidated the application of George B. Jopling, et al., is now considered closed, and it is not believed that any of the persons included therein are in any manner entitled to share in the distribution of the tribal property of the Choctaws and Chickasaws.

The returned "unclaimed" letters hereinbefore referred to are enclosed.

Respectfully,

Acting Commissioner.

MM 11/2

No

6338

For Identification as a Mississippi Choctaw.

Date *1/10/1903*
 Name *George B. Jopling*
 Age *37* Birth *1866*
 Post Office *Kurant St.*
 Father *James R. Jopling dead*
 Mother *Nellie R. Jopling*
 Claim through *brother*
Francis R. Jopling
no claim for self.

Children.

Oscar Jopling 15
Joseph D. " 14
Ira H. " 12
James L. " 10

Stamps like *H. G. - Warren**George B. Jopling et al*

RECEIVED

DECISION RENDERED. FEB 9 1903

FOR 3

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FOR 3
FORWARDING TO THE ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS

MAY 10 1903

REFER TO M. C. R. 6339.

Choctaw MCR 6339

Almeda J. Stephens

MCR 6339

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Almeda J. Stephens,
et al., for identification as Mississippi Choctaws, consolidat-
ing the applications of:

Almeda J. Stephens, et al., M.C.R. 6339
George B. Jopling, et al., M.C.R. 6338.

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Almeda J. Stephens, et al.

	(Page)
Original application of Almeda J. Stephens, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Original application of George B. Jopling, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	7
Certified copy of the marriage record between H. B. Joplin and S. V. Sparks.....	12
Decision of the Commission refusing the applications in the consolidated case of Almeda J. Stephens, et al., applicants for identification as Mississippi Choctaws.....	13.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. OCTOBER 18, 1902.

6339

In the matter of the application of Almeda J. Stephens for the identification of herself and her five minor children, Carrie J., Robert V., Joe K., Katie L. and Lafayette Stephens, as Mississippi Choctaws.

B.S. Johnson, attorney for applicant:

Almeda J. Stephens being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Almeda J. Stephens
Q How old are you? A 39 years old.
Q How much Choctaw blood do you claim? A About an eighth.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived there? A Only a few days; we came there last Tuesday.
Q Where did you live before you removed to Durant? A In the new Territory in the Comanche and Kiowa country.
Q Where were you born? A In Texas.
Q Did you remove from Texas to Oklahoma? A Yes sir.
Q And from Oklahoma to Durant? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A James J. Jopling.
Q How old a man would your father be if he were living today?
A 75 years old.
Q Is your mother living? A Yes sir.
Q What is your mother's name? A Julia D. Jopling.
Q Through which one do you claim your Choctaw blood? A From my mother.
Q Has your mother ever been before the Commission and applied for identification as a Mississippi Choctaw? A No sir.
Q How much Choctaw blood does your mother possess? A A fourth.
Q Where was she born? A I can't tell you.
Q Did she ever live in Mississippi or Alabama? A That been my understanding always.
Q What is that understanding; where do you gain that knowledge from?
A I heard my mother speak of it and I heard her brother speak of it

Q How long since you have lived with your mother? A Not any the last 23 years.

Q You don't know whether she ever lived in Mississippi or not?

A It is my understanding that she did.

Q Did you ever hear your mother say she lived in Mississippi?

A I think I have.

Q Do you know where she was born? A No sir.

Q How long has she lived in Texas-- or does she live in Texas?

A Yessir she does live in Texas.

Q How long has she lived in Texas? A I don't know exactly.

Q Where was she living when she moved to Texas? A I think it was from Arkansas.

Q Where did she live before that? A Mississippi; that's always been my understanding.

Q Are you willing to state positively that your mother ever lived in the State of Mississippi? A Its my understanding that she did.

Q What year did she live there? A I can't say.

Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States--? A No sir.

Q Are you married? A Yes sir.

Q Has she living? A Yes sir.

Q What is his name? A William A. Stephens.

Q Does he make any claim to Choctaw blood? A No sir.

Q You make no claim for him? A No sir.

Q Have you any children you want to make application for? A Yes sir.

Q All unmarried? A Yes sir.

Q Give the names and ages. A Carrie J. Stephens.

Q How old is the child? A She is nineteen.

Q The next one? A Robert V.; fifteen. Joe K., thirteen; Katie L., 11 and Lafayette, eight.

Q Any others? A That's all.

Q This application then is for yourself and five minor children? A Yes sir.

Q Is your name or the names of any of your minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.

Q Did you or any one for you or for your minor children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A Not to my knowledge.

Q Did you yourself? A No sir.

Q Did you or any one for you or your minor children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A I don't know.

Q You didn't yourself, did you? A No sir.

Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation- for yourself and children? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the provision of article fourteen of the treaty concluded between the United States and the Choctaw tribe of Indians September 27, 1830? A Yes sir.

This treaty was entered into at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830 between the United States Government and the members of the Choctaw tribe; at the

time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line; the object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to the new country West of the Mississippi River, which is now the Choctaw nation, Indian Territory; at the time the treaty was made a great many Choctaws didn't want to come here but preferred to remain, and for the benefit of that class of Indians article fourteen was made a part of the treaty; that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation and receive land from the Government under its provisions, he should within six months from the date of the ratification of the treaty by Congress, - which was done on the 24th day of February, 1831-- go before the Government agent there in the old Choctaw Nation and let him know in some way of his intention to remain and take land under this article; that done, he was entitled as head of a family to a reservation of one section or 640 acres of land, to be bounded by sectional lines of survey; and for each child living with him over the age of ten and unmarried, 320 acres, and for each child under the age of ten years he was to be entitled to a quarter section or 160 acres of land, the reservations of the children to adjoin the reservations of the parent, and to include any improvement owned by the head of the family at the time the treaty was made, September 27, 1830. That article also required that after receiving his land from the United States Government he should reside upon the lands for five years, after which the Government gave him a title in fee simple, after which he could dispose of them at his pleasure. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that if a Choctaw remained in the old Choctaw Nation and took his land under this article he didn't forfeit his right to citizenship in the Choctaw Nation if he ever removed ever here but did forfeit his right to annuity payments; that is, yearly payments of money made to the Choctaws under treaty provisions.

Q Is that the article now under which you make your claim and do you think you understand it as read and explained? A Yes sir.

Q What is the name of your Chectaw ancestor who lived in the old Chectaw Nation in 1830 when this treaty was made? A Barnell.

Q Full name please? A I don't know; my grandmother's name was Chandler.

Q Always give the full name, please. A Mary Elizabeth Chandler.

Q Was she Chectaw? A Yes sir she was half Chectaw.

Q Where did she live in 1830? A I don't know.

Q Whom did she get her Chectaw blood from? A Her mother.

Q What was her mother's name? A Barnell.

Q What was her full name, do you know? A I don't know.

Q Which one of your Chectaw ancestors was living in the old Chectaw Nation in 1830 when the treaty was made? A Barnell I suppose.

Q Do you know or is it just simply guess work; can you say with any certainty whether any of them was living there or not? You are making claim to land which belongs to the Chectaw Indians and in order to make any claim you must give proof. A Barnell is my grandmother's maiden name.

Q What was your grandmother's mother's name then? A Barnes. My grandmother's maiden name was Barnell; my great grandmother's married name was Barnell and her maiden name was Barnes.

Q Now, which one of these ancestors of yours lived in the old Chectaw Nation in Mississippi or Alabama in 1830 and was recognized citizens of the Chectaw tribe of Indians? A My grandmother Chandler lived there.

Q In 1830? A I don't know whether it was in 1830 or not; I can't tell; they lived there.

Q Your mother is 76 years old; that would indicate that she was born in 1826, or four years before the conclusion of the treaty of 1830. A Yes sir.

Q Now where were your mother's father and mother living in 1826 when your mother was born? A I don't know.

Q Then you have no proof to offer the Commission at this time tending to show that you had any Chectaw ancestors living in the old Chectaw Nation in Mississippi or Alabama in 1830? A No sir.

Q And you yourself do not know positively that any one was living there? A No sir.

Q The fourteenth article states that each Chectaw head of a family after performing certain acts was entitled to certain benefits; what we want to know now is what Chectaw ancestor you claim from gives you a right to claim these things as being the head of a family at the time this treaty was made? We want you to state which one of your Chectaw ancestors who was living in the Chectaw Nation in either the State of Mississippi or Alabama who was a recognized member of the Chectaw tribe of Indians at that time who complied with the provisions of article fourteen which has been read and explained to you-- or attempted to comply. Can you give an explanation of that question? A Mary Elizabeth Chandler.

Q Did she within six months from the 24th day of February, 1831, go before the Government agent in Mississippi or Alabama and tell him that she wanted to stay in Mississippi and take land there? A I don't know.

Q Did these Chectaw ancestors of yours ever receive any lands from the United States Government as Chectaw Indians under article fourteen of this treaty? A No sir.

Q Do you know of the existence of any deed or patent to land that would tend to show that this Chectaw ancestor of yours ever received any land from the United States Government under article fourteen of the treaty of 1830? A No sir.

Q Did your Chectaw ancestor, Mary Elizabeth Chandler, whose maiden name was Barnell, did she remove from that old Chectaw Nation in

Mississippi or Alabama between 1833 to 1838 to the new Choctaw Nation Indian Territory at the time of the removal of the main portion of the Choctaws? A No, she didn't come here; they went to Arkansas.

Q At what year? A I can't tell you.

Q You don't know whether it was between 1833 to 1838? A No sir, I don't know.

Q Do you know whether it was in a year subsequent to 1830? A No sir, I can't say. My understanding is that they came with the Choctaws to the Mississippi River and they went to Arkansas.

Q Where did they start from; where were they living when they started to make this move? A In Mississippi I suppose; I heard that/

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of those Choctaws who wanted to remain there and take lands under the provisions of this article; the records of the Government show that this agent failed to register the names of a great many Choctaws who did tell him that they wanted to stay there and take lands- and on this account the Indians who had lands upon which they had improvements and which they wanted reserved for them had them taken away and sold; this caused many complaints which finally reached Congress and by an act of Congress of 1837 and 1842 Commissions were appointed and authorized to go to Mississippi and investigate claims under the acts of 1837 and 1842; these commissions investigated many complaints some of which they allowed and some refused; of the claims allowed if the lands which they claimed had not been sold they were given to them, but if the lands had been sold and the Choctaws established their claims under article fourteen of the treaty, then by the act of Congress of 1842 scrip was authorized to be given and under this scrip these Choctaws could locate upon land in Mississippi, Alabama Arkansas or Louisiana

Q Now, did any of your Choctaw ancestors appear before either of these Commissions and attempt to establish claims to lands under article fourteen? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government under this act of Congress of August 23, 1842? A I don't know.

Q Did they own any land in Mississippi, Alabama Arkansas or Louisiana? A My grandfather owned land.

Q Did he pay for that land with Government scrip? A No sir, with his own money.

Q So far as you know did any of your Choctaw ancestors receive any benefits, by benefits I mean lands under article fourteen of the treaty of 1830? A I don't know.

Q Have you proof of any kind you want to submit before the Commission other than your oral statement, tending to show that any of your Choctaw ancestors complier attempted to comply with article fourteen of the treaty of 1830? A No sir.

Q You never heard of the existence of any deed or patent to lands given by the Government to any of your ancestors as Choctaw Indians? A No sir.

Q Were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? A That's my understanding.

Q You don't know yourself? A No sir.

Q And you have no proof to bring before the Commission to prove that they were recognized? A No sir.

Q Is there any other statement you want to make in this case? A No sir.
Q Are you related to George B. Jopling? A Yes, he is my brother.
Q Full brother? A Yes sir.
Q Are you related to Jim Jopling? A Yes sir.
Q George B. Jopling appeared this morning and made application?
A Yes sir.
Q Jim Jopling appeared before the Commission on December 9, 1901 and also made application? A Yes sir.

Reference is made to M.C.R. ~~4300~~ George B. Jopling et al., and to M.C.R. 4308.

(Note: In the case of Jim Jopling, M.C.R. 4308, the Commission on July 16, 1902, rendered its decision refusing the application of the several persons included in this case and on the same day forwarded the record to the Department for review.)

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has dark gray eyes, dark brown hair, medium fair complexion, the features and appearance of a person of white parentage; has no knowledge of any act of compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

To attorney:

Q Is there any further proof in support of this claim that you want to offer at this time, Mr. Johnson? A No sir.

-o-o-o-

Henry G. Hains being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings on October 15, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 16th day of October, 1902.

Philip B. Hopkins
Notary Public

LS
Cur.

OPY:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Almeda J. Stephens,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Almeda J. Stephens, et al., M.C.R. 6339
George B. Jopling, et al., M.C.R. 6338.

D E C I S I O N

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commis-
sion by Almeda J. Stephens for herself and her five minor children
Garnie J., Robert V., Joe K., Katie L. and Lafayette Stephens; and
by George B. Jopling for himself and his four minor children Oscar,
Joseph L., Iva G. and James L. Jopling under the following pro-
vision of the act of Congress approved June 23, 1898 (30 Stat.,
493):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation con-
cluded September twenty-seventh, eighteen hundred and
twenty, and to hear and administer oaths, examine
witnesses, and perform all other acts necessary there-
to and make report to the Secretary of the Interior."

It appears from the testimony that the two principal

applicants are the grand-children of Mary Elizabeth Chandler, nee Barnell, who is alleged to have been an one-half blood Choctaw Indian, and while the applicants do not claim their right to identification as Mississippi Choctaws through her, the testimony is very unsatisfactory as to who is the ancestor through whom they claim said right, it appearing from the testimony in application numbered M.C.R. 6339 that the said Mary Elizabeth Chandler derived her Choctaw blood from her mother, whose maiden surname is given as Barnes, and who was married to a man surnamed Barnell, while from the Application numbered M.C.R. 6306 it appears that she derived her Choctaw blood from her father, whose name is given as William Barnes, and who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

Considering the testimony in both applications together, it would appear that the grandmother of the principal applicants derived her Choctaw blood from both parents, but in the absence of testimony as to the given name of her mother it is impossible for the Commission to ascertain whether or not she was a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek", and therefore only the name of William Barnes can be used as the most remote ancestor of the applicants through whom they claim a right in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession

of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 17, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Barnes or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Almada J. Stephens, Carrie J. Stephens, Robert V. Stephens, Joe M. Stephens, Katie L. Stephens, Lafayette Stephens, George B. Jopling, Oscar Jopling, Joseph I. Jopling, Iva G. Jopling and James L. Jopling as Choctaw Indians entitled to rights in the Choctaw lands

under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

James Bixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 9 1903

Muskogee, Indian Territory, February 9, 1903.

Almeda J. Stephens,
Remailed to Cisco Texas, Dec 11/05
Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Almeda J. Stephens, et al., embracing the following applications for identification as Mississippi Choctaws:

Almeda J. Stephens, et al.,	M.C.R. 6339
George B. Jopling, et al.,	M.C.R. 6338

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Almeda J. Stephens, Carrie J. Stephens, Robert V. Stephens, Joe K. Stephens, Katie L. Stephens, Lafayette Stephens, George B. Jopling, Oscar Jopling, Joseph I. Jopling, Iva G. Jopling and James L. Jopling as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days

-2-

from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RESPECTFULLY

Tame Pixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 9, 1903.

B.S. Johnson,
Attorney-at-Law,
Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Almeda J. Stephens, et al., embracing the following applications for identification as Mississippi Choctaws:

Almeda J. Stephens, et al.,	M.C.R. 6339
George B. Jopling, et al.,	M.C.R. 6338

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Almeda J. Stephens, Carrie J. Stephens, Robert V. Stephens, Joe K. Stephens, Katie L. Stephens, Lafayette Stephens, George B. Jopling, Oscar Jopling, Joseph I. Jopling, Iva G. Jopling and James L. Jopling as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have

-2-

been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Dixby,
Acting Chairman.

Registered.

Muskogee, Indian Territory, February 9, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.
Gentlemen:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Almeda J. Stephens, et al., embracing the following applications for identification as Mississippi Choctaws:

Almeda J. Stephens, et al.,	M.C.R. 6339
George B. Jopling, et al.,	M.C.R. 6338

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Almeda J. Stephens, Carrie J. Stephens, Robert V. Stephens, Joe K. Stephens, Katie L. Stephens, Lafayette Stephens, George B. Jopling, Oscar Jopling, Joseph I. Jopling, Iva G. Jopling and James L. Jopling as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, February 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Almeda J. Stephens, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 9, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Almeda J. Stephens, et al.,
George B. Jopling, et al.,

M.C.R. 6330
M.C.R. 6330

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the Mississippi Choctaw case of Jim Jopling, et al., decision in which was rendered by the Commission July 16, 1902, and approved by the Secretary October 31, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.
Enclosures: M.C.R. 6330.

COPY.

Land
13,869-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Almeda J. Stephens for herself and her five minor children, Carrie J., Robert V., Joe K., Katie L., and Lafayette Stephens; George B. Jopling for himself and his four minor children, Oscar, Joseph L., Iva G. and James L. Jopling, wherein a decision adverse to the applicants was rendered by the Commission on February 9, 1903.

It appears from the testimony in this case that the applicants are grandchildren of Mary Elizabeth Chandler nee Barnell, who is alleged to have been a one-half blood Choctaw Indian, and while the applicants do not claim their right to identification as Mississippi Choctaws through her, the testimony is very unsatisfactory as to who is the ancestor through whom they claim said right, it appearing from the testimony in application numbered M.C.R. 6339 that the said Mary Elizabeth Chandler derived her Choctaw blood from her mother, whose maiden surname is given as

Barnes, and who was married to a man surnamed Barnell, while from application numbered M.C.R. 6308, it appears that she derived her Choctaw blood from her father, whose name is given as William Barnes, and who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830.

The commission rejected the applicants because the names of their alleged ancestors through whom they claim did not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that the decision be approved.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

(B.B.H.)

B.

D.C. 14936-1903.

I.T.D. 3026-1903.
L.R.S.

DEPARTMENT OF THE INTERIOR.
Washington.

J.W. H.
PHE

May 15, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Almeda J. Stephens (M.C.R.6339), for herself and her five minor children, Carrie J., Robert V., Joe K., Katie L., and Lafayette Stephens; and of George B. Jopling for himself and his four minor children, Oscar, Joseph I., Iva G., and James L. Jopling, including your decision of February 9, 1903, refusing to identify them as such.

The principal applicants in this case, Almeda J. Stephens and George B. Jopling, are the children of Julia D. Jopling, who is a quarter blood Choctaw. The latter was born in 1826, either in Mississippi or Georgia. It seems that her parents migrated from the former state to the latter. Julia D. Jopling was the daughter of Josiah Chandler and Mary Elizabeth Chandler nee Barnell. The latter was an one-half blood Choctaw and a resident of the old Choctaw Nation. Her mother was a full blood Choctaw and the wife of a man named Barnell. From the testimony of George B. Jopling it appears that one William Barnes was a remote ancestor of these applicants. The testimony, however, does not show clearly the degree of his relationship to the applicants.

COPY:

M.C.R. 6389

Muskogee, Indian Territory, May 29, 1903.

B. S. Johnson,
Attorney-at-Law,
Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Almeda J. Stephens, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

(SIGNED),

T. E. Hodges

Commissioner in Charge.

COPY:

M.C.R. 6339

Muskogee, Indian Territory, May 29, 1903.

Manfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Almada J. Stephens, et al., of which decision you were advised by mail on the 9th day of February, 1903.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

COPY.

M.C.R. 6339

Muskogee, Indian Territory, May 29, 1903.

Almeda J. Stephens,

Remailed to Cisco, Texas, to Almeda J. Stephens
Durant, Indian Territory. *7/14/03*

Dear Madam:

You are hereby notified that on the 15th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Almeda J. Stephens, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

SIGNED:

T. B. Needles.

Commissioner in Charge.

MCR 6339
MCR 6338

Muskogee, Indian Territory, December 11, 1905.

Almeda J. Stephens,
Cisco, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, requesting to be advised whether or not any land has been allotted to you and your brother, G. B. Jopling, as Mississippi Choctaws. You state that you "registered" about four years ago and have heard nothing since that time in regard to your claim.

In reply you are informed that it appears from the records of this office that on October 15, 1902, you and your brother George B. Jopling, represented by attorney B. S. Johnson, of Durant, Indian Territory, made application for the identification of yourselves and families as Mississippi Choctaws. You and your brother, George B. Jopling, both stated at the time of your application that your post office address was Durant, Indian Territory.

On February 9, 1903, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws

Almeda J. Stephens,	George B. Jopling,
Carrie J. Stephens,	Oscar Jopling,
Robert V. Stephens,	Joseph I. Jopling,
Joe K. Stephens,	Iva C. Jopling,
Katie L. Stephens,	James L. Jopling,
Lafayette Stephens,	

A J S 2

for the reason that the applicants failed to prove by the evidence submitted in support of their claim, that they were the descendants of a Choctaw ancestor who complied with the provisions of the 14th article of the treaty of September 27th, 1830.

As you and your brother had not advised this office of any change in your post office address since the submission of your application, you were notified on the date of the rendition of the above mentioned decision that a period of fifteen days would be allowed you within which to file argument in support of your claim. Said notices were sent by registered mail and were returned marked "unclaimed."

The record in the matter of the applications made by you and George B. Jopling for the identification of yourselves and minor children as Mississippi Choctaws, together with the adverse decision of the Commission to the Five Civilized Tribes, was transmitted to the Secretary of the Interior, through the Commissioner of Indian Affairs, February 25, 1903.

The Secretary of the Interior on May 15, 1903, approved the decision of said Commission refusing the applications of yourself and brother for the identification as Mississippi Choctaws, and as you had in no manner advised this office of your whereabouts since the submission of your application, notice of such departmental action was forwarded you at Durant, Indian Territory. This notice was also returned to this office marked "unclaimed."

A. J. N. 3

You are advised that your case, with which was consolidated the application of George B. Jopling, et al., is now considered closed, and it is not believed that any of the persons included therein are in any manner entitled to share in the distribution of the tribal property of the Choctaws and Chickasaws.

The returned "unclaimed" letters hereinbefore referred to are enclosed.

Respectfully,

Acting Commissioner.

MAN 11/3

REPORT M. C. R. 6934

Almeda J. Stephens et al

Consolidated Case.

Barnes
 mar
 Choce
 Barnoce

Mary Elizabeth Barnell
 mar
 Josiah, Chandler, w.

Julia D. Chandler
 mar
 James J. Jopling

Almeda J. Jopling 39 1/8
 mar
 William A. Stephens

Carrie J. Stephens 19
 Robert T. Stephens 15
 Joe K. Stephens 13
 Katie K. Stephens 11
 Lafayette Stephens 8

George B. Jopling 37 1/8
 wife
 Francis D. Jopling

Coccar Jopling 15
 Joseph D. Jopling 14
 Eva G. Jopling 12
 James L. Jopling 11

* Prim. apt in MER 6338
 gives name of his great
 gd father as William
 Barnes

Note:- The above cases are supplemental to MCN 4318

For Identification as a Mississippi Choctaw.

I am Annada Stephens
 age 18
 born in the Choctaw
 Nation. My father's
 name is William A. Stephens
 and my mother's
 name is Annada Stephens.

Children
 Carrie J. Stephens 19
 Robert W. " 15
 Joe H. " 13
 Katie L. " 11
 Lafayette " 8

Stenographer H. G. Adams

Annada J. Stephens

DECISION RENDERED FEB 1902

ADJUDICATED

FORWARD

FORWARDED AND C...

REFER TO M. C. R. 6338.

Choctaw MCR 6340

William T. Pace

MCR 6340

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 15, 1902.

In the matter of the application of William T. Pace for the identification of himself and his six minor children Mirttie May, Alma F., Jeff R., Charlie L., Ezra M. C. and Samuel O. Pace as Mississippi Choctaws.

Applicant represented by Eugene Easton, Attorney at Law.

William T. Pace being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William T. Pace.
Q What is your age? A Forty-five.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q What is your post office address? A Antlers, Indian Territory.
Q How long have you lived there? A Two years.
Q Where did you live prior to moving to Antlers? A Benton County Arkansas.
Q How long did you live in Benton County Arkansas? A The biggest part of my life.
Q Where were you born? A Benton County Arkansas.
Q And you lived in Arkansas and the Indian Territory all of your life?
A Except two years I lived in Texas.
Q Is your father living? A Yes sir.
Q What is his name? A James D. Pace.
Q Is your mother living? A No sir.
Q What was her name? A Hannah Pace.
Q How old is your father? A Sixty-seven.
Q How old would your mother be if she was living now? A I can't tell you; I was very small when she died.
Q You don't know her age? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A My great grandmother.
Q Which one of your parents? A My father.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A I don't think he has; has he Mr. Easton?

By Mr. Easton, Attorney for applicant: No, no; he has never lived here.

By the Commission: The answer to that question would be no, would it?

By the applicant: I reckon it would.

- Q Were your father and mother legally married. A Yes sir.
Q When and where? A Benton County, Arkansas; I don't know the date.
Q Were they married under a license? A I don't know; it was before the war; I don't reckon they were.

Q You don't know whether licenses were required at that time or not? A I don't think it was.

It will be necessary for you to furnish the Commission with evidence of the marriage of your father and mother.

The attorney here states that it is filed in other cases with which he intends to have this case consolidated.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q What is her name? A Anna Pace.

Q Is she a white woman? A Yes sir.

Q Makes no claim to Choctaw blood? A No sir.

Q And you make no claim for her? A No sir.

Q Have you any children you want to make application for?

A I have seven children.

Q Are they all under age and unmarried? A All but one; there's one of age.

Q The child that is of age will have to make application for itself; you can make application for all of your minor children who are unmarried.

A There are six who are under age.

Q Give their names and ages please. A Mirttie May.

Q M-y-r-t-i-e? A M-i-r-t-t-i-e May.

Q How old? A Eighteen.

Q The next? A Alma F.

Q How old? A Sixteen.

Q The next? A Jeff R.

Q How old? A Fourteen I think.

Q The next one? A Charlie E.

Q How old is Charlie? A Eleven years old. Ezra M. G.

Q How old is he? A I think he's nine. Samuel O. Five.

Q The next one? A That's all.

Q This application then is for yourself and six minor children

A Yes sir.

Q What is the name of your child that's over the age of twenty-one? A Albert A.

Q Is he married? A No sir.

Q Is your name or the names of any of your minor children to be found upon the tribal rolls of the Choctaw Nation in Indian Territory? A How was that.

Q Is your name or the names of any of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Were you and your wife legally married? A Yes sir.

Q Married under a license? A Yes sir.

Q Have you evidence of that marriage that you wish to file with the Commission today in support of the claim you make for your minor children? A Yes sir.

Q You have the evidence?

By the attorney: No we haven't the evidence.

By the Commission: That evidence will be required either in the shape of the marriage license and certificate or a certified copy thereof; ten days will be allowed for that purpose.

Q Did you or any one for you or for your minor children ever make application to the Choctaw tribal authorities in

- Indian Territory to be enrolled as members of that tribe?
- A No sir not until now.
- Q Did you or anyone for you or for your minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for Indian Territory?
- A No sir.
- Q Have you ever made application prior to this time for yourself and children to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming a share in the lands of the Choctaw Nation in Indian Territory for yourself and your minor children under the provisions of the fourteenth article of the treaty concluded between the United States and the Choctaw tribe of Indians September 27, 1830. A Yes sir.

This treaty was concluded at a place called Dancing Rabbit Creek in Mississippi between the United States government and the Choctaw tribe of Indians on September 27, 1830; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line; the object of the treaty was to remove all of the Choctaws from the country they then occupied to a new country west of the Mississippi which is now the Choctaw Nation Indian Territory; at the time the treaty was made a great many of the Choctaws didn't want to remove to this new country but preferred to remain in the old Choctaw nation and for the benefit of that class of Indians article fourteen was made a part of the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation in Mississippi or Alabama and become a citizen of the states and take land under its

provisions that he should within six months from the 24th day of February 1831 the date of the ratification of this treaty by Congress go before the government agent there in the old Choctaw Nation and signify to him in some way that he wanted to stay there and take lands under the provisions of this article; after having done that, as the head of a family he was entitled to a reservation of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child in his family over the age of ten years and unmarried, he was entitled to one half section or three hundred and twenty acres and for each child under ten years of age he was entitled to one quarter section or one hundred and sixty acres of land, the reservations of the children to adjoin the reservation of the parent and to include any improvement owned by the head of the family at the time the treaty was made September 27, 1830; this article also required that after a Choctaw had received his land from the government under this article he should reside upon the same for five years after which time the government would give him a title in fee simple which would enable him to dispose of the land at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw nation, complied with this article by taking this land and residing upon it the necessary length of time, didn't forfeit ~~any~~ his right of citizenship in the Choctaw Nation Indian Territory if he ever removed there but he did forfeit any right to participate in the annuity payments; the annuity payments were moneys paid by the government to Choctaw Indians annually under treaty provisions.

- Q That is the explanation of article fourteen under which you make your claim. Do you think you understand that sufficiently well to base your claim on it? A Yes sir I think so.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama September 27, 1830 when this treaty was concluded? A Sallie Frasier.
- Q How much Choctaw blood did Sallie Frasier possess? A One half I think.
- Q How do you spell that Frasier. F-r-a-s-i-e-r? A I dont know.
- Q F-r-a-s-i-e-r - do you think that's the way it should be spelled? A Yes sir I think so.
- Q You claim your Choctaw blood through your father James D. Pace - through which parent; his father or mother did James D. Pace get his Choctaw blood? A His father.
- Q What was his name? A Thomas Pace.
- Q Now who did Thomas Pace get his Choctaw blood from - which parent - father or mother? A Both.
- Q What were their names? A Sallie Frasier and William Frasier.

- Q You think Sallie Frazier was possessed of one half Choctaw?
A Yes sir.
Q And how much was William? A Full-blood.
Q How do you explain the fact that your grandfather was named Thomas Pace and his father and mother were named Frazier. A I don't know; I will have to take that back.
Q You say Thomas Pace was a Choctaw Indian? A No sir.
Q Who did James D. Pace get his Choctaw blood from - your father; his father or mother. A His father.
Q What was his name? A Thomas Pace.
Q How how much Choctaw blood did Thomas Pace possess? A I can't tell you.
Q Who did Thomas Pace get his Choctaw blood from? A I don't know.
Q Did Thomas Pace have any other name besides Thomas Pace; did he have a double name; did you ever hear of his name being called William Thomas Pace? A I can't tell you.
Q Have you any relatives who have been before the Commission and made application for identification as Mississippi Choctaws. A Yes sir.
Q What are their names? A My father I reckon was here.
Q Your father James D. Pace? A Yes sir.

Reference is here made to M.C.R. 4866, James D. Pace, et al.

- Q Do you derive your Choctaw blood through the same source your father does? A Yes sir.
Q Your father in his application testified that his father's name was William Thomas Pace -- he would be your grandfather.
A Yes sir.
Q And his mother's name was Polly Pace? A Yes sir.
Q He testified that his grandmother's maiden name was Sallie Frazier and she married a man named John Pace.
A I think so; that's back further than I have any knowledge of.
Q You don't know anything about your Choctaw blood further than Thomas Pace? A No sir.
Q Do you want your case consolidated with James D. Pace et al., claiming through the same common ancestor? A Yes sir.
Q Did your father have any brothers or sisters older than he?
A I don't think he had.
Q You think he was the oldest of the family do you? A Yes sir.
Q Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with article fourteen?
A I don't know.
Q Do you know whether any of your ancestors were ever recognized as members of the Choctaw tribe of Indians in 1830 and resided in 1830 in the old Choctaw Nation? A No sir I can't say; I think they did.
Q You think they were recognized? A Yes sir.
Q Have you any proof to offer to show that they were recognized members and lived there? A No I haven't.
Q Did your Choctaw ancestors any of them remove from the old Choctaw Nation Mississippi and Alabama to the new Choctaw Nation Indian Territory between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaws to the Indian Territory. A I've heard my father say that my great grandfather moved here and died here.
Q What was his name? A William Frazier.
Q That he moved here with the Choctaws? A Yes sir.
Q That's your great great grandfather isn't it -- William Frazier - according to the testimony of your father.
A (No answer)
Q Do you know whether Sarah Frazier who married John Pace lived in the

Q moved from the old Choctaw Nation between 1833 and 1838 to the Indian territory? A No sir I don't think she did.
Q Do you know of any act of compliance on the part of any of your ancestors with the provisions of article fourteen of the treaty of 1830? A No sir.

In accordance with the provisions of article fourteen the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of all the Choctaws who wanted to remain there and take land under its provisions; the records of the government show that this agent failed to register and names of a great many Choctaws who appeared before him and signified their intention of staying and taken land and on this account land on which Choctaws had improvements and wanted reserved for them under this article were sold by the government at its public land sales; this caused a great many complaints on the part of the Choctaw Indians and these complaints finally reached Congress and Congress under acts approved March 3 1837 and August 23 1842 authorized Commissions to go into the old Choctaw Nation and investigate these claims of Choctaw Indians who said they had had their land taken from them by the government on account of Colonel Ward's neglect to register their names; a large number of claims were investigated some allowed, some rejected; of the claims allowed if it was found that the land had not been sold and Choctaws established their rights to them, they were given the lands; if however the Choctaws established their rights to the lands that had been sold, the law of August 23 1842 authorized scrip to be issued in lieu of such land; this scrip was called certificates and under these certificates or scrip Choctaws were entitled to locate on land or take up vacant government land in the states of Mississippi Alabama Louisiana and Arkansas.

- Q Now did any of your Choctaw ancestors appear before either of these commissions and establish or attempt to establish claims to lands under article fourteen? A I don't know; I don't think they did.
- Q Do you know whether they ever received any scrip under this act of Congress approved August 23 1842? for land they claimed under article fourteen? A I don't think they did; I've heard my people say they never derived any benefit from the land whatever.
- Q Do you know whether they owned any land in Mississippi Alabama Louisiana or Arkansas? A No sir I don't.
- Q So far as you know then did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians from the United States government? A No sir.
- Q So far as you know were any of your ancestors recognized as members of the Choctaw tribe of Indians in the old Choctaw Nation in 1830? A I've heard my people say they were recognized as Choctaws.
- Q At that time? A Yes sir.
- Q Have you ever heard of the existence of a patent or deed from the government of the United States to any of your Choctaw ancestors conveying them land under article fourteen? A No sir.
- Q Have you any documentary evidence you want to introduce in support of your case to-day?

Applicant offers the affidavit of James D. Pace which is filed, marked "Exhibit A.", for identification and made a part of the record in this case.

By the attorney: We also desire to make the testimony taken in the other cases -- to offer that as testimony in this case.

By the Commission: The case of this applicant will be made a part of the consolidated Mississippi Choctaw case of James D. Pace, et al., claiming descent from the same common ancestor.

- Q Do you know where your grandfather and grandmother were married. A That is my father's father and mother.
- Q Yes.
- A No sir; either Mississippi or Tennessee; I don't remember which.
- Q Did Thomas Pace and his wife ever live in the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Do you know where your great grandfather and great grandmother -- whether they ever lived there or not -- Sallie Frazier and her husband John Pace? A I don't know.
- Q You don't know anything of their residence there? A No sir.
- Q You know nothing of your ancestry beyond your father and grandfather Thomas Pace? A No sir.
- Q Did you ever see your grandfather? A No sir.
- Q You have no personal knowledge beyond your father? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there any statement you want to make in connection with your claim? A Nothing only that I'm a citizen of the Choctaw Nation -- living in the Choctaw Nation.
- Q That is you are living upon land in the Choctaw Nation?
- A No I'm not holding any claim to land.
- Q You are simply living there is all? A Yes sir.

By Attorney: For the past two years.

- To Attorney: Are there any questions you want to ask?
- A No sir; I know Mr. Pace has no personal knowledge of any of those matters at all.

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The applicant has light brown hair and bluish-gray eyes; fair complexion tanned by sunburn; features and appearance of a person of white parentage; has no knowledge of any act of compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 15th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 15th day of October 1902.

Clara Mitchell Wood
B. Jones
Notary Public.

Miss. Chootaw 6340

Muskogee, Indian Territory, October 22, 1902.

Eugene Easton,

Attorney at Law,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 20, inclosing marriage license and certificate between W. T. Pace and Matilda A. Wight, which you offer in support of the application for identification as Mississippi Chootaws of W. T. Pace, et al., and the same has been filed with the record in this case.

Respectfully,

Acting Chairman.

M.C.R. 6340.

Muskogee, Indian Territory, January 28, 1903.

William T. Pace,

Antlers, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Dean Pace, et al., embracing the following applications for identification as Mississippi Choctaws:

James Dean Pace,	M.C.R. 4866
Mary Lewis, et al.,	M.C.R. 285
William W. Escue, et al.,	M.C.R. 2250
Ella Healey, et al.,	M.C.R. 2251
Christopher Columbus Pace, et al.,	M.C.R. 4865
James F. Pace,	M.C.R. 4919
Lillie May Allen, et al.,	M.C.R. 4920
Robert P. Pace, et al.,	M.C.R. 5936
Albert S. Pace, et al.,	M.C.R. 6235
John S. Pace, et al.,	M.C.R. 6051
Thomas R. Pace, et al.,	M.C.R. 5849
General L. Pace, et al.,	M.C.R. 6198
Sarah Hendrix, et al.,	M.C.R. 6213
Martha Almira Gyll, et al.,	M.C.R. 6261
Thomas R. Gyll, et al.,	M.C.R. 6262
John S. Gyll, et al.,	M.C.R. 6263
Sarah Elizabeth Moore, et al.,	M.C.R. 6264
William T. Pace, et al.,	M.C.R. 6340.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Dean Pace, Mary Lewis, Jesse Lewis, Montie Lewis, Homer Lewis, Bessie Lewis, William W. Escue, Oscar Escue, Sally P. Escue, Lola P. Escue, Bennie Escue, Rila Nealey, Dolphus Culpepper, Christopher Columbus Pace, Heber Russell Pace, James F. Pace, Lillie May Allen, Leslie Leroy Allen, Robert P. Pace, Ullie Pace, Verdie M. Pace, Nora A. Pace, Willmina Pace, Lela P. Pace, Ernest D. Pace, Maurice B. Pace, Hannah E. Pace, Frederick O. Pace, Bruce O. Pace, Albert S. Pace, Ada Lee Pace, Evalena Pace, John S. Pace, Ora A. Pace, Josie Pace, John O. Pace, Thomas E. Pace, Mary M. Pace, Joseph R. Pace, Della M. Pace, Katie L. Pace, Florence I. Pace, Minnie P. Pace, General L. Pace, Stella May Pace, Maud Florence Pace, Alice Pace, Jesse Lee Pace, Paul O. Pace, Sarah Hendrix, Willie Hendrix, Maggie Hendrix, Belle Hendrix, Martin Hendrix, Jefferson Hendrix, George Hendrix, John Hendrix, Martha Almira Gyll, Oscar Bennett Gyll, James Elmer Gyll, Sophia Etta Gyll, Newton Franklin Gyll, Thomas R. Gyll, Josie May Gyll, George Alvin Gyll, John S. Gyll, William Henry Gyll, Sarah Elizabeth Moore, Jesse Clyde Moore, William T. Pace, Mirtie May Pace, Alma F. Pace, Jeff R. Pace, Charlie L. Pace, Ezra M. C. Pace and Samuel O. Pace as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William W. Escue for the identification of his wife, Sarah Ann Escue, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tams Dixey.

Acting Chairman.

Registered.

M.G.R. 6340

COPY.

Huskogee, Indian Territory, May 12, 1903.

William T. Pace,

Antlers, Indian Territory.

Dear Sir:

You are hereby notified that on the 2nd day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Dean Pace, et al., of which decision you were advised by registered mail on the 25th day of January, 1903.

Respectfully,

(SIGNED)

B. Needles.
COMMISSIONER IN CHARGE

For Identification as a Mississippi Choctaw.

1903

Name William D. Pace

Age 11.5 b. 1/6

Post office Intero 97

Father James D. Pace ✓

Mother Hannah Pace was

my father

Anna Pace ✓
my mother for wife

Others

Mattie M. Pace 18

Alma J. " 16

Jeff R. " 14

Charles L. " 11

Ezra M. " 9

Samuel C. " 5

James D. Pace

Stenograph Clara M. Wood

REFUSED

DECISION RENDERED JAN 28 1903
NOTICE OF DECISION MAILED APPLICANT

JAN 28 1903

NOTICE OF DECISION RENDERED
ATTORNEY FOR APPLICANTS

JAN 28 1903

NOTICE OF DECISION RENDERED
FOR CHOCTAW AND CHICKASAW NATIONS

JAN 28 1903

RECORD FORWARDED DEPARTMENT.

FEB 13 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

MAY -2 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 11 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAY 11 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

MAY 11 1903

DECISION PREPARED

RECORDED 4866

Choctaw MCR 6341

Abraham E. Halliday

MCR 6341

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, October 15, 1902.

In the matter of the application of Abraham E. Halliday
for the identification of himself and his minor child Theron
Halliday as Mississippi Choctaws.

Applicant represented by A. F. McRae, Attorney at Law.

Abraham E. Halliday being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Abraham E. Halliday.
Q How old are you? A I'm thirty-seven I think.
Q How much Choctaw blood do you claim? A One-eighth.
Q What is your post office address? A Chandler, O.T.
Q How long have you lived there? A About ten years.
Q Where did you live before you moved to Chandler. A Texas.
Q You was born in Texas? A Yessir.
Q Did you ever live anywhere except Texas and Oklahoma?
A No sir.
Q Is your father living? A No sir.
Q What was his name? A His name was Abe Halliday.
Q How old would your father be if living now? A I guess he
would be about sixty.
Q Is your mother living? A Yes sir.
Q What is her name? A L. E. Burgess.
Q What does L stand for? A Louisa.
Q She has married the second time has she? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood
A From my mother.
Q How old is your mother? A Mother is about sixty one or two
years old.
Q Where does she live? A She lives in Guthrie.
Q Oklahoma territory? A Yes sir.
Q Where was your mother born? A Born in Georgia I think.
Q Where did she move to from Georgia? A Texas I guess; that's
where she moved to the best of my knowledge.
Q And from Texas she moved to Oklahoma territory did she.
A Yes sir.
Q Has your mother ever been recognized in any manner or en-
rolled as a member of the Choctaw tribe of Indians in the
Indian territory by the Choctaw tribal authorities or by the
United States authorities? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Sophia.
Q Does she make any claim to Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you any children that you want to make application for?
A Yes sir one.
Q What's name the name of the child. A Theron Halliday.
Q Is that child a boy or girl? A Boy.
Q How old is that child? A Thirteen years old.

Abraham E. Halliday . 2.

- Q You are the father of this child? A Yes sir.
Q And Sophia Halliday is the mother? A Yes sir.
Q And the child is living with you at your home.
A Yes sir.
Q When and where were you married to your wife?
A Texas; Navarro County.
Q Were you married under a license? A Yes sir.
Q Have you evidence of the marriage with you? A No sir. No sir I haven't the evidence with me.

The Commission will require that you file evidence of the marriage of yourself and your wife in support of the application made by you for the identification of yourself and minor child as Mississippi Choctaws. Ten days will be allowed for the purpose.

- Q Is your name or the name of your minor child to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you or anyone for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A I guess my mother did on the 11th.
Q I will repeat the question in a different form. Now did you or any one for you or your minor child ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe? A No sir.
Q Did you or anyone for you or for your minor child in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Were you or your minor child ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory. A No sir.
Q Have you ever made application prior to this time for yourself or your minor child to either the United States authorities or the Choctaw tribal authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time claiming a share in the lands of the Choctaw Nation Indian Territory under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? A Yes sir.

This treaty was concluded at a place called Dancing Rabbit Creek in Mississippi between the United States government and the Choctaw tribe of Indians on September 27, 1830; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made a great many of the Choctaws didn't want to remove to the new country but preferred to remain in the old Choctaw Nation and for the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do

so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation and become a citizen of the states and take land there under its provisions, he should go before the United States government agent in the old Choctaw Nation within six months from the ratification of the treaty and tell him - that is - let him know in some way that he intended to remain there and take land under the provisions of this article; after having done that he would be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey and for each child in his family unmarried and over the age of ten years he was entitled to one half section or three hundred and twenty acres of land and for each child in his family under ten years of age a quarter section or one hundred and sixty acres of land, the reservations of the children to adjoin the reservations of the parent and to include any improvement owned by the head of the family at the time the treaty was made September 27, 1830; this article also required that a Choctaw after having received his land from the government should reside upon the same for five years after which time a deed or patent would be given him for the land enabling him to dispose of the land at his pleasure; the last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw remained in the old Choctaw Nation and took his land from the government under the provisions of this article he did not forfeit his right of citizenship in the Choctaw Nation Indian Territory if he ever removed there but did forfeit any right to participate in any annuity payment; annuities were moneys that were being paid to the Choctaw tribe of Indians annually by the United States government under treaty provisions.

Do you think you understand the fourteenth article as read and explained to you. A I don't know for sure whether I do or not. I can't say that I do.

Q What part or clause is it you don't sufficiently understand, and I will explain it further. A I guess I know now just as much as I would after you explained it.

- Q You understand this: that a Choctaw who wanted to remain in the old Choctaw Nation had to signify his intention to the agent there that he wanted to remain there; after having done that he was entitled to this land I've described and after getting the land he was required to live upon this land five years and the government would give him a grant in fee simple; after complying with article fourteen he was entitled to citizenship in the Choctaw Nation Indian Territory but he did lose any right to claim any money that was being paid to the Indians under treaty stipulations. Now do you think you understand that? A Yes sir.
- Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made September 27, 1830. A My grandfather; I claim by my mother.
- Q You claim through your mother Louisa E. Burgess? A Yes sir.
- Q Through which parent did she get her Choctaw blood? A Her mother.
- Q What was her name? A Eliza Kilpatrick.
- Q Is that her maiden name or married name? A Married name.
- Q What was her maiden name before she was married? A Her name was Ochiltree.
- Q Now who did Eliza Kilpatrick or Eliza Ochiltree get her Choctaw blood from? A From her father.
- Q What was his name? A Daniel.
- Q Who did Daniel Ochiltree get his Choctaw blood from? A I guess he got it from both sides - mother and father both.
- Q What are their names? A I don't know their names.
- Q You don't know anything beyond Daniel? A No sir.
- Q That's as far as you can go back? A Yes sir.
- Q How much Choctaw blood did Daniel Ochiltree possess. A He was a full blood.
- Q How much Choctaw blood was Eliza Kilpatrick who was Ochiltree before she married Kilpatrick. A One half.
- Q How much does Eliza E. Burgess claim? A One fourth.
- Q Which one of these people lived in the old Choctaw Nation in Mississippi or Alabama in 1830? A My grandmother Eliza Kilpatrick.
- Q She lived in Mississippi in 1830? A Lived back there somewhere.
- Q Is she living? A Yes sir.
- Q How old is she? A I guess she is about eighty or eighty five.
- Q Do you know where she was born? A No sir.
- Q How do you know she lived in Mississippi or Alabama? A I heard her speak about living there at different times and different places.
- Q Where is she living at this time? A Guthrie.
- Q Has she been before the Commission to be identified as a Mississippi Choctaw? A On the 12th I think.
- Q Do you want your case considered with hers? A Yes sir.

Reference is made to M.C.R. 6365 Eliza Kilpatrick.

- Q Do you know when Eliza Kilpatrick was married; what year? A No sir.
- Q Do you know which one of your Choctaw ancestors was married and head of a family and lived in the old Choctaw Nation in Mississippi or Alabama in 1830? A I guess they was; I don't know for sure.
- Q Which one of them was living there at that time- in 1830. A Her father.
- Q What's his name? A Daniel Ochiltree.
- Q Was he married and head of a family in 1830 and lived in the old Choctaw Nation in Mississippi or Alabama in 1830

A I think he did.

Q Have you any proof to offer or anything to show that he did. A No sir.

Q Have you any proof to offer to show that any of your ancestors lived in the old Choctaw nation in Mississippi or Alabama in 1830? A No sir.

Q Do you know whether any of your Choctaw ancestors ever received any land from the government under article fourteen as Choctaw Indians? A No sir not as I know of.

Q Did you ever hear of the existence of a deed or patent to land which was issued to any of your ancestors?? A No sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation Mississippi and Alabama between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaws to the Choctaw Nation Indian Territory.

A I do not know.

In accordance with the provisions of article fourteen the government required it's agent in the old Choctaw Nation in Mississippi and Alabama to register the names of those Choctaws who wanted to remain in the old Choctaw Nation and take land under its provisions; the records of the government show that this agent failed to register the names of a great many Choctaws who appeared before him for the purpose of registration and on this account land on which they owned improvements were sold by the government at its public land sales; this caused a great many complaints on the part of the Choctaws for the reason that they were disposed of the land they wanted reserved, by reason of these sales; these complaints finally reached Congress and Congress under an act approved March 3 1837 and an act approved August 23 1842 appointed Commissions to go into the old Choctaw Nation and investigate these claims; a large number of claims were investigated some allowed and others refused; of the claims allowed if it was found that the land had not been sold and the action of these commissions was approved by the Secretary of War and the President they were given the land; if however it was found the land had been sold, the act of Congress of August 23 1842 authorized scrip to be issued to such Choctaws had had their land taken from them and sold by the government.

Q Did any of your Choctaw ancestors appear before either of these commissions and attempt to establish claims under article fourteen of the treaty of 1830? A I don't know.

Q Do you know whether they ever received any scrip from the government for land which they proved their rights to before these commissions? A Not as I know of.

Q Did they ever own any land in Mississippi Alabama Arkansas or Louisiana? A I guess they did.

Q Do you know whether they did or not? A I don't know. Have you any proof to show that they did own land.

A No, no more than I've always been told that the Indians owned it.

Q I asked if any of your foreparents owned any land.

A I guess they did.

Q Have you any proof to show that your ancestor did own land in Mississippi Alabama Louisiana or Arkansas and that they did get land from the government under the scrip issued under act of Congress approved August 23 1842? A No sir.

Q So far as you know did any of your Choctaw ancestors ever receive any land from the United States government under article fourteen of the treaty of 1830? A As far as I know they didn't.

Q So far as you know were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians?

- A I was always told that my great grandfather was.
Q But you know nothing of your own knowledge? A No sir.
Q Have you got any papers of any kind to show that he was?
A No sir.
Q Are there any further statements you want to make in connection with your case? A No sir; no more than I want to know whether there's anything further necessary to make a selection down there.

You occupy the position of an applicant for identification as a Mississippi Choctaw whose rights have not been determined. The fact that you make application for identification does not give you any possessory right in the Choctaw and Chickasaw Nations. You are only entitled to such right after you have been duly identified by the Commission to the Five Civilized Tribes as a Mississippi Choctaw. A decision will be rendered in your case and you will be notified of the action of the Commission.

- Q Do you speak or understand the Choctaw language? A No sir.

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The applicant has grayish blue eyes; light brown hair; brown mustache; complexion tanned by sunburn; apparently medium fair; shows no trace of being possessed of Indian blood and has no knowledge of an act of compliance on the part of any of his ancestors with the provisions of article fourteen of the Choctaw treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 15th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 17th day of October 1902.

B. L. Jones
Notary Public.

COPY.

M.C.R. 6341

Muskogee, Indian Territory, December 1, 1902.

Abraham N. Halliday,

Chandler, Oklahoma,

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Ochiltree, et al., embracing the following applications for identification as Mississippi Choctaws:

James Ochiltree, et al.,	M.C.R. 4552
Mary Thompson, et al.,	" 4968
William Oakittree, et al.,	" 4995
George Oakittree, et al.,	" 4996
Sarah Robinson, et al.,	" 4900
Philip Ochiltree,	" 4899
William Gage,	" 5668
Isaac Oakittree, et al.,	" 6239
Eliza Kilpatrick,	" 6335
Louisa E. Burgess,	" 6336
Abraham N. Halliday, et al.,	" 6341

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

---2---

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Ockiltree, Beale Ockiltree, Beulah Ockiltree, Viola Ockiltree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson, Charley Thompson, Mamie Thompson, Arthur Thompson, Lillie Thompson, Earnest Thompson, W. R. Thompson, Etta May Thompson, Morgan Thompson, William Ockiltree, Willie Ockiltree, George Ockiltree, Sterling Ockiltree, George Ockiltree, Jr., Walter Ockiltree, Thomas Ockiltree, Leila Ann Ockiltree, Howard Ockiltree, Van Ockiltree, Lavinia Ockiltree, Chester Ockiltree, Ernest Ockiltree, Sarah Robinson, Mary Robinson, Allie Robinson, Sallie Robinson, Lee Roy Robinson, Philip Ockiltree, William Gage, Isaac Ockiltree, George Ockiltree, Mary Ockiltree, Joseph Ockiltree, Effie Ockiltree, Sarah Ockiltree, Eliza Kilpatrick, Louisa B. Bursgen, Abraham E. Halliday and Theron Halliday as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. Kirby
Acting Chairman.

Registered.

M.C.R. 6341

COPY.

Muskogee, Indian Territory, March 23, 1903.

Abraham E. Halliday,
Chandler, Oklahoma.

Dear Sir:

You are hereby notified that on the 12th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of James Ochiltree, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

James D. Smith
Chairman.

For Identification as a Mississippi Choctaw.

Name *Abraham E. Halliday*
 Age *37* *18*
 Post office *Chandler C. T.*
 Father *Ab. Halliday*
 Mother *Louisa E. Purvis* ✓
 Sister *Louisa*
 Sister *Louisa*
 Sister *Louisa*
 Sister *Louisa*

Address *Theron Halliday (no) 13*

Stenographer *Clara M. Hood*

Abraham E. Halliday

REFUSED

DECISION RENDERED DEC 1 - 1902
 NOTICE OF DECISION MAILED APPLICANT.

DEC 1 - 1902

NOTICE OF DECISION FORWARDED
 ATTORNEY FOR APPLICANTS.

DEC 1 - 1902

NOTICE OF DECISION MAILED ATTORNEYS
 FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 1 - 1902

RECORD FORWARDED DEPARTMENT.

DEC 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

MAR 12 1903

NOTICE OF DEPARTMENTAL ACTION
 FORWARDED APPLICANT.

MAR 23 1903

NOTICE OF DEPARTMENTAL ACTION
 FORWARDED ATTORNEY FOR APPLICANT.

MAR 23 1903

NOTICE OF DEPARTMENTAL ACTION
 FORWARDED ATTORNEYS FOR CHOCTAW
 AND CHICKASAW NATIONS.

MAR 23 1903

REFER TO M. C. R. 4502

11/4/02

Received of Commission to Give Juries one
copy of testimony in MER 6341
A S M Reg

Choctaw MGR 6342

Eula P. Niswander

MGR 6342

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. OCTOBER 17, 1908.

6342

In the matter of the application of Eula P. Niswander for the identification of herself and her minor child, Mildred Niswander, as Mississippi Choctaws:

J.G.Ralls, attorney; no appearance.

Eula P. Niswander being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Eula P. Niswander.
Q How old are you? A Twenty two.
Q How much Choctaw blood do you claim? A A thirty second.
Q What is your post office address? A Malaga, Fresno County, California.
Q How long have you lived there? A Well, I have lived in Malaga only since June, I have lived in Fresno County fourteen years.
Q Where were you born? A Bastrop County, Texas.
Q And from Bastrop County did you move to California? A Yes, and I have been there ever since.
Q Is your father living? A Yes sir.
Q What is his name? A R.B. Shipp.
Q How old is your father? A I don't know exactly; I think he is about 62.
Q Is your mother living? A Yes sir.
Q What is her name? A Sallie Shipp.
Q How old is your mother? A 42 I think.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q Where was your father born? A He was an Alabamian; I don't know what County.
Q Was he born in the State of Alabama? A Yes sir.
Q How old was he when he left the State of Alabama? A I don't know.
Q Where does he reside at the present time? A Fresno County.
Q Were your father and mother legally married? A Yes sir.

2-E.P.W.

Q Q Were they married under a license? A They were married under a minister-- yes of course.
Q Has evidence of this marriage been filed in this other case?
A I have been told it was.
Q You are a daughter of Robert B. Shipp who is an applicant for identification as a Mississippi Choctaw? in M.C.R. 4285? A Yessir.
Q You have been told that that evidence was filed in this case?
A Yes sir.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by either the Choctaw tribal authorities or the authorities of the United States? A He was enrolled here.
Q You mean at the time he made his application? A Yes sir.
Q You don't know of his having been enrolled by the Choctaw tribal authorities? A I never knew of his being enrolled at all except here.
Q Are you married? A Yes sir.
Q Your husband living? A Yes sir.
Q What is his name? A J. Frank Wiswander.
Q Does he make any claim to Choctaw blood? A No sir.
Q You make no claim for him? A No sir.
Q Have you any children you wish to make application for? A ONE
Q Give the name and age of the child, please. A Mildred, 5 months.
Q Then this application is for yourself and your minor child, is it?
A Yes sir.
Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you or anyone for you make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A Never made any application at all till the present.
Q Then you didn't make any application to the Commission to the Five Civilized Tribes under the law of June 10, 1896? A No sir.
Q Then you have never been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q This is the first application of any kind that you have ever made
A Yes sir.
Q Do you appear before the Commission at this time claiming a share in the Choctaw lands in the Choctaw Nation, Indian Territory, for yourself and minor child under the provisions of article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830? A Yes sir.

This treaty was entered into between the United States and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830; at that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the western boundary line; the object of the treaty was to secure the removal of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation West of the Mississippi River which is now the Choctaw Nation, Indian Territory; at the time this treaty was made a great many Choctaws objected to come to this country, they preferred to remain in the old Choctaw Nation; and for the benefit of this class of Choctaws article fourteen was put into the treaty; that article is as follows: "Each Choctaw head of a family being desirous

to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830 and that article required that in case a Choctaw elected to remain in the old Choctaw Nation and take lands under its provisions he should within six months from the date of the ratification of the treaty by Congress which was done on the 24th day of February, 1831- go before the Government agent located in the old Choctaw Nation and tell him or let him know in some way that he wanted to remain and take lands under this article; after having done that he was entitled as a head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family over ten years of age and unmarried he was entitled to one half that quantity or 320 acres of land and for each child under ten he was entitled to a quarter section or 160 acres of land, the reservations of the children to adjoin that of the parent and to include any improvement owned by the head of the family at the time the treaty was made, September 27, 1830.

Article fourteen also required that after a Choctaw had received his land he should reside upon it for five years after which time he would receive a deed or patent in fee simple to it after which he could dispose of it at his pleasure; the last clause of the article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw remained in the old Choctaw Nation and complied with the requirements of this article and took his land and resided upon it five years he did not forfeit his right as a citizen in Indian Territory if he ever removed over but he did forfeit his right to annuity payments; that is, payments made annually to members of the Choctaw tribe under treaty provisions;

Q Now, that is article fourteen and an explanation of its requirements; do you think you understand it? A I think I do.

Q What was the name of your Choctaw ancestor who resided in the old Choctaw Nation at the time this treaty was made? A Elizabeth Brash-ear Dumas.

Q Was she married and the head of a family at that time? A She was married to E.W.Dumas.

Q What was her maiden name? A Elizabeth Brash-ear.

Q And she married?-- A E.W.Dumas. So I have heard from family history.

Q Was she a recognized member of the Choctaw tribe of Indians at that time? A I think she was.

Q That is also a matter of family history and tradition? A Yes; all of it is.

Q Do you know whether this ancestor of yours owned an improvement upon what constituted the Choctaw Nation at that time; that is lands with fences or houses upon them? A I don't know.

Q Do you know whether this Choctaw ancestor of yours removed from the old Choctaw Nation between the years 1833 and 1838 to the new Choctaw Nation Indian Territory at the time of the removal of the main portion of the Choctaws to the Choctaw Nation, Indian Territory? A I don't know that; (I know she made application for land; I think they went before the land commissioner, Mr. Ward, and were refused land.

Q Do you know whether they removed to the Indian Territory or did they remain? A I don't know where they made their application.

Q Did they continue to live in the old Choctaw Nation in Mississippi and Alabama or did they move to the Choctaw Nation, Indian Territory? A I don't know that.

Q You don't know then whether they ever removed to the Choctaw Nation, Indian Territory or not? A No sir.

Q You stated that you understood that they went before Col. William Ward, and attempted to register for land; do you know what time that was, whether it was within six months from the 24th day of February 1831; have you any family history telling you about what date they appeared before him? A I think they made their application in due time.

Q Can you give any idea as to what time that was; what day of the month or what month or year? A No sir.

Q Did they ever receive any land from the United States Government under article fourteen of the treaty of 1830? A I learned that they didn't.

In accordance with the provisions of article fourteen the Government directed its agent, Col. William Ward, who at that time was located in the old Choctaw Nation in Mississippi and Alabama, to register the names of all the Choctaws who wanted to remain and take land under the provisions of this article; the records of the Government show that he failed to register the names of many who signified their intention to do so and on this account the lands of a great many who wanted to remain were taken from them and sold; this caused many complaints, and these complaints finally reached Congress of those who were dispossessed of their land; Congress under an act approved March 3, 1837 and one August 23, 1842, authorized Commissions to go to Mississippi and investigate these claims; in the investigation of these claims whenever it was shown that a Choctaw proved his right to the lands under this article, if it was found that his land had not been sold it was given to him; but if his land had been sold he was given scrip or certificates under this act of August 23/ 1842.

Q Do you know whether this ancestor of yours appeared before either of these Commissions and established or attempted to establish a claim under article fourteen? A I don't know-- under stand; do you mean did she attempt to get scrip for land?

Q Yes; after her refusal by Col. Ward did she appear before either

of these Commissions and attempt to get scrip by reason of having been refused? A It is my understanding that she died in 1835

Q So in 1837 and 1842 she could not have made an appearance? A No sir.

Q Have you in your possession or have you ever seen or do you know of the existence of any deed or patent to land that would tend to show that any of your ancestors received any land in under article fourteen? A No sir.

Q Have you ever heard of the existence of one in your family history? A No sir.

Q Does your family history tell you that there was one given by the Government of the United States to any of your ancestors as beneficiaries under article fourteen? A No sir.

Q So far as you know, then, your ancestors have never received any land from the United States Government as Choctaw Indians? A No sir

Q Have you any witnesses you want to introduce before the Commission today? A No, I would like to have the benefit of the witnesses who have testified in the Scott Dumas case.

Q You have testified that you derive your Choctaw blood from Robert B. Shipp; which parent does he get his Choctaw blood from? A His mother.

Q What was his mother's name? A I don't know.

Q You don't know your grandmother's name then? A No sir.

Q If I should call the name would you probably--- A I don't know that I have ever heard it; she died before we went to California.

Q Do you know Robert B. Shipp's father's name? A Ben I think.

Q You know then nothing of your ancestry beyond your father other than that you are a descendant of the Brashear family? A I have heard my grandfatherspeken of and my grandmother stayed with us, but I cannot give their names.

Q Can you connect yourself in a direct line with Elizabeth Brashear who married E.W.Dumas? A I can't; that's been given before and I want the benefit of that testimony.

Q You don't know the connecting links between your father and Elizabeth Brashear--? A No, I can't give testimony to show it; I want that also in.

Q Then you would like your case consolidated and considered as a part of the Mississippi Choctaw case of Scott S. Dumas et al., who are claiming descent from one John Brashear; that includes the case of Robert B. Shipp; is that the line of descent you claim? A Yes sir.

The consolidated Mississippi Choctaw case of Scott S. Dumas et al., M.C.R. 4006 is here referred to for the purpose of consolidation.

Q Is there any further statement you desire to make in connection with your claim? A Well, if my relationship with R.B.Shipp has not been proved sufficiently I brought my marriage certificate to prove it.

Q Do you speak or understand the Choctaw language
A No sir.

This applicant has light brown hair, fair complexion, grayish brown eyes, features and appearance of a person of white parentage;

she testifies that she has no personal knowledge of any act of compliance on the part of her ancestors from whom she claims the right to identification as a Mississippi Choctaw with any of the provisions of article fourteen of the treaty of 1830. She testifies that her family history teaches her that an ancestor whom she names in her testimony as Elisabeth Brahsear- who married E.W. Dumas-- attempted to comply with the provisions of article fourteen by appearing before Col. William Ward, Indian agent, Choctaw Agency, and was refused registration by him; no proof of the same, however, is offered other than the oral statement of the applicant.

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Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on October 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 21 day of October, 1902.

John B. Sieber

Notary Public.

West

COMMISSIONERS
JAMES HIXBY
THOMAS B. NEEDLES
C. R. BRACKENRIDGE
W. E. STANLEY

ALLISON I. AYLESWORTH
SECRETARY

COPY
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERENCE TO THE FOLLOWING

M. C. R. 6342.

MURKOGEE, INDIAN TERRITORY, May 15, 1903

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Eula P. Niswander,
Malaga, California.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4787
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These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495.), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence hereon is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Mies G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Dorelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collins, James S. Collins, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudin May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lela K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Herbert Palmer, Maud Terry, Mazon Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Lunnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Chashe T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Madie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glenn A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Edna Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Janie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erna Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Maudie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maudie Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamion Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Lealie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Fannie Dixey.

Chairman.

Registered.

MCR-6342

PY.

Muskogee, Indian Territory, January 22, 1906.

Eula P. Miswander,
Malaga,
Fresno County,
California.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor child, Mildred Miswander, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

NAME ¹⁹²¹ Enla P. Niswander

Age 25

Place of Birth Malaga, Tennessee

Father Robert B. Shipp

Mother Elsie Shipp

Grandfather J. Frank Niswander
No claim for him

Children

Mildred Niswander & son

Stenographer

H. G. Harris

Enla P. Niswander

Choctaw MCR 6343

Easter Eliza Jack

MCR 6343

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Easter Eliza Jack, et al., for identification as Mississippi Choctaws, M.C.R. 6343.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 18, 1902.

In the matter of the application of Easter Eliza Jack
for the identification of herself and her five minor children
Zero May, Alvessie, Xaviver, Cynthia and Blanche Jack as
Mississippi Choctaws.

Applicant represented by E. Hastain, Attorney at Law.

Easter Eliza Jack being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Easter Eliza Jack.
Q How much Choctaw blood do you claim to have? A I guess about half-breed; I guess.
Q What is your age? A Thirty years old.
Q What is your post office address? A Tulsa, Indian Territory.
Q That's in the Creek Nation? A Yes sir.
Q Were you born in Tulsa? A No sir I was born in Missouri.
Q What part of Missouri. A Jasper County - Joplin, Missouri.
Q How long did you live in Joplin Missouri.
A I lived there until I was eleven years old.
Q Where did you remove to then? A I moved to Tulsa. I been in Tulsa ever since.
Q Ever since you were eleven years old you have lived in Tulsa, Indian Territory? A Yes sir.
Q Is your father living? A No sir; my father and mother's both dead.
Q What was your father's name? A His name was John Bogle.
Q How do you spell that name? A B-o-g-l-e.
Q How old was your father when he died? A I dont know; I guess he was about thirty five years old when he died.
Q When did he die? A He died -- I dont know just what year and I dont know just how long it's been.
Q About how long ago? A I was nine years old when he died.
Q Is your mother living? A No sir; she's dead too.
Q What was her name? A Cynthia Bogle.
Q How old was your mother when she died? A She was about thirty I guess.
Q How long has she been dead? A She died the year after my father died.
Q Through which one of your parents do you claim Choctaw blood
A My father.
Q Where was your father born? A Why I din't know; it was either in Mississippi -- yes it was in Mississippi he was born.
Q Do you know what year he was born? A No sir I don't.
Q Do you know what part of Mississippi he was born in?
A No sir I don't.
Q Do you know how long he resided in Mississippi before he left there.
A Well I've heard them say he was about fourteen years old

- when he left there; that's what my grandmother used to say.
- Q What was the name of your father's father? A Why my father's father's name was Bogle.
- Q Full name? A I dont know his full name.
- Q You never heard what your grandfather's first name was.
- A No sir I dont think I ever did..
- Q What was your grandmother's name - your father's mother?
- A Her name was Jennie Milligan before she married.
- Q Was that her maiden name? A Yes sir; that was her maiden name.
- Q She never married before she married your grandfather.
- A No sir.
- Q How much Choctaw blood did your father claim to have.
- A Why I've heard my folks say he was a half breed.
- Q What was your mother? A She was a white woman.
- Q If your father was a half breed and your mother was a white woman you couldn't be a half breed yourself could you? A No sir I guess I'm a quarter or something like that.
- Q Do you desire to change your statement as to the degree of Choctaw blood you claim and make it one quarter instead of one half? A Yes sir.
- Q You claim then to be possessed of one quarter Choctaw blood and three quarters white blood? A Yes sir.
- Q Through whom did your father claim to derive his Choctaw blood? A From my grandmother's side.
- Q From his mother. A Yes sir.
- Q From Cynthia Bogle, nee Milligan? A No, that was my mother's name - Cynthia - my grandmother's name was Jennie.
- Q And your father derived his Choctaw blood from his mother Jennie. How much Choctaw blood did she claim to have.
- A I don't know; I never did hear them say.
- Q Don't you know where she was born? A No sir I don't.
- Q Did you ever see Jennie Bogle? A Yes sir.
- Q Where did you see her? A She was in Kansas when she died.
- Q How old was she when she died. A About sixty five years old.
- Q When did she die? A She died -- let's see -- I guess I was about twelve years old when she died.
- Q Do you know how long she had been living in Kansas when she died? A No sir I don't.
- Q Did you ever hear your parents say ? A I guess she had been there about twelve years from what I can hear.
- Q Did you ever hear what year your grandmother was born?
- A No sir I dont know as I ever did.
- Q Do you know that she ever lived in Mississippi?
- A Yes sir.
- Q When did she live in Mississippi? A I dont know; it was about the time my father was about thirteen or fourteen years old I think.
- Q Was that the first time she ever lived in Mississippi while your father was thirteen years old. A She lived there I guess about all of her life until she came to Kansas.
- Q Was she married in Mississippi? A Yes sir she was married t there.
- Q How do you know she was married in Mississippi? A That's what my folks said.
- Q Said your grandmother was married in Mississippi? A Yes sir.
- Q Do you mean when you say that your grandmother lived in Mississippi when your father was thirteen or fourteen years old that that was the time she left Mississippi. A No sir

- she left there when he was about fourteen years old.
- Q And she was married in Mississippi? A Yes sir.
- Q Do you know whether she lived in Mississippi all the time from the date of her marriage until she left there when your father was fourteen years old? A I don't know.
- Q Now what was the name of your grandmother's father?
- A I don't know; I never heard anyone say.
- Q What was the name of your grandmother's mother? A I don't know that.
- Q Do you know through which parent your grandmother claimed to derive her Choctaw blood? A I think it was from her mother.
- Q Do you know? A No sir I don't know; I won't say.
- Q Did you ever hear it stated that she derived her Choctaw blood from her mother.
- A No sir I don't believe I ever did.
- Q What makes you say you think she derived it from her mother if you never heard anyone say she did? A I don't know; I won't say.
- Q You don't know whether she derived her Choctaw blood from her mother or father do you and you never heard anyone say whether she did or not? A No sir.
- Q When your grandmother left Mississippi where did she move to? A To Kansas.
- Q Direct from Mississippi to Kansas? A Yes sir I think so.
- Q And remained in Kansas from the time she removed there until her death? A Yes sir.
- Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian territory by the Choctaw tribal authorities or by the United States authorities. A No, I don't know whether he has or not; I never heard.
- Q You understand what I mean by recognized by the Choctaw tribal authorities do you? A Yes sir.
- Q You understand that statement? A Yes sir.
- Q Were your father and mother legally married? A Yes sir.
- Q Where did they marry? A Married in Missouri.
- Q What part of Missouri. A, I believe it was in Granville, Newton County? A Yes sir.
- Q When were they married? A I don't know that.
- Q Were they married under a license? A I don't know whether they was or not.
- Q Who performed the marriage ceremony? A I don't know that either.
- Q Have you that marriage license and certificate with you at this time? A No sir I haven't.
- Q Do you think you can produce that? A I don't know now; I don't know whether I can produce it or not; I won't say.
- It will be necessary for you to furnish the Commission with the proper evidence of the marriage of your father and mother; please endeavor to furnish this evidence within the next ten days.
- Q Are you married yourself? A Yes sir; I'm married.
- Q Are you living with your husband at this time? A Yes sir.
- Q What is the name of your husband? A Joe Jack.
- Q Has he any Choctaw blood? A No sir; he's a white man.
- Q Do you desire to make application in his behalf, at this time; do you make application for your husband? A Yes sir. He's a white man; I wouldn't have to make application for him would I.

Q You dont claim a ny Choctaw rights for your husband do you?
A No sir just me and the children.
Q How many children have you? A I have five.
Q What is the name of the oldest? A Zero May.
Q How old is Zero May? A She's thirteen years old.
Q What is the name of your next oldest child? A Alvessie.
Q Is that a girl or boy? A It's a girl; she's ten years old.
Q The next child? A Xaviver.
Q How old is Xaviver? A He's seven years old.
Q The next child? A Cynthia.
Q How old is Cynthia? A She's five.
Q Now your youngest child? A Blanchie.
Q How old is Blanchie? A She will soon be two years old.
Q Is that all your children? A Yes sir.
Q What was the name of your husband? A Joe Jack
Q Is Joe Jack the father of these children? A Yes sir.
Q And you are the mother? A Yes sir.
Q Were you legally married to Joe Jack? A Yes sir.
Q Where were you married? A Tulsa.
Q Married under a license? A No sir.
Q Who married you? A Mr. Hayworth at Tulsa.
Q Is he a minister? A Yes sir; was then.
Q Have you a certificate of marriage? A No sir.
Q Could you produce it? A Yes sir I guess I could get it.

You will be allowed ten days in which to produce your certificate of marriage .

Q Your children then would derive their Choctaw blood through you? A Yes sir.
Q And you are making application at this time for yourself and your five minor children? A Yes sir.
Q Is your name or the names of any of your children for whom you are making application to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory?
A Why Quarry said he enrolled us here in February; I think it was; lawyer Quarry; I think he was here.
Q Is he an attorney at Tulsa? A Yes sir.
Q He said he enrolled d you here? A Yes sir.
Q I asked you whether or not you were enrolled by the Choctaw tribal authorities? A No sir.
Q Did this man Quarry you speak of claim to have enrolled you before the Commission? A Yes sir I think so; he said he had us enrolled. Nation
Q Did he say in what way he had had you enrolled.
A Yes sir; in the Choctaw Nation, he said.
Q And what time was it he said he had had you enrolled?
A In February I think.
Q Of this year - 1902? A Yes sir.
Q Had you employed him as an attorney? A Yes sir
Q You never appeared in person before the Choctaw tribal authorities and applied for enrollment? A No sir.
Q Did you or anyone for you or for any of your minor children ever make an application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.
Q Did you or anyone for you or for your minor children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory?

A No sir.

Q Have you ever made application prior to this time for yourself or any of your minor children to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Is this your first application that you have ever made? A Yes sir.

Q Do you appear before this Commission for the purpose of claiming rights in the Choctaw Nation in Indian Territory for yourself and your five minor children under the provisions of article fourteen of the treaty between the United States and the Choctaw Indians concluded at Dancing Rabbit Creek in Mississippi on September 27, 1830? A Yes sir.

Q Do you understand the provisions of article fourteen of the treaty of 1830? A No sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th of September 1830 between the representatives of the United States government and the chiefs of the Choctaw tribe of Indians, at that time residing in Mississippi and in a small part of Alabama; the object of the treaty was to secure the removal of the Choctaw Indians from the states of Mississippi and Alabama to the new country west of the Mississippi river part of which is now occupied by the main portion of the Choctaw tribe of Indians and is known as the Choctaw Nation Indian Territory; at the time the treaty was made some of the Choctaw Indians in Mississippi were unwilling to remove from Mississippi to the new country but preferred to remain in what constituted the old Nation and it became apparent to the representatives of the government that a treaty could not be entered into or would not be signed by the Choctaws if some provisions was not made for that class of Choctaw Indians who desired to remain; therefore article fourteen was put into the treaty for the benefit of that class of Choctaws, and article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

By annuity is meant moneys that were paid annually to the Choctaw tribe of Indians.

Q Now do you think you understand article fourteen as read to

you? A Yes sir I think so.

- Q Would you like to have a further explanation of it before the examination proceeds or do you think you fully understand it.
 A I guess I understand it all right.
 Q Well give a statement of what you understand of article fourteen of the treaty of 1830 as you understand it.
 A I just understand the section-----
 Q Do you understand from the reading of that article what was necessary for a Choctaw to do in order to receive a grant of land there? A No sir I don't understand that.

Well article fourteen required that in case a Choctaw desired to remain in Mississippi and receive land from the government under its provisions that he should within six months after the ratification of the treaty go to the Indian agent - the Indian agent was the representative of the United States government and his name was Colonel William Ward, and the treaty provided that they should go to him within six months after the ratification of the treaty and signify their intention of staying in Mississippi and taking land and if after they had gone to Ward and signified their intention that he should register their names -- they would then receive an allotment of land - a section for the head of the family and a half section for each child over ten years of age and living with them, and a quarter section for those children under ten years of age, and then if these Choctaws lived upon this land for the period of five years they would receive a patent to it which would give them a fee simple title and they could dispose of it at their will; if they desired at any time to remove from that land and come to the Choctaw Nation Indian Territory they could do so; they didn't forfeit their right to citizenship but they would forfeit any right they might have to receive any moneys which were payable annually to the Choctaw tribe.

- Q Do you think you understand that better now? A Yes sir.
 Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty? A I don't know whether they did or not.
 Q Did you ever hear that they did? A I understand that grandmother had a brother on roll; I don't know anything about it; & they said the Milligans were on roll.
 Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know anything about it.
 Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
 Q Did any of your Choctaw ancestors own an improvement at that time upon what constituted the old Choctaw Nation in Mississippi or Alabama? A I don't know.
 Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1835? A I don't know.
 Q Were any of your Choctaw ancestors ever residents of the Choctaw Nation Indian Territory? A No I don't think they were.
 Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek

signify to the Indian agent Colonel William Ward an intention to remain there in Mississippi and become citizens of that state as provided for in article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under the provisions of article fourteen? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who desired to remain and become citizens of the states; the records of the government show that this agent failed to register the names of a great many of the Choctaws who appeared before him and his failure to do so caused a great deal of complaint; in many instances the land upon which Indians had improvements and which they desired reserved for them under article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land; this action of the government caused many complaints and the matter was finally brought to the attention of Congress and on March 3, 1837 an act of Congress was approved providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear cases of Choctaws who claimed that they complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but had received no land; by the act of Congress approved February 23, 1838 this commission was continued until August 1st 1838; this commission was duly appointed by the President and the commissioners went down to Mississippi and heard a few of the Choctaw cases; their work was therefore incomplete and on August 23 1842 a new commission was appointed; this second commission also had authority to hear cases of Choctaws claiming rights under article fourteen and did hear a great many cases.

Now did any of your Choctaw ancestors appear before either of the Commissions appointed by the act of Congress approved March 3, 1837 or the one appointed under act of Congress August 23 1842 and attempt to establish claims or rights under article fourteen? A I don't know.

The act of Congress of August 23 1842 provided that in case it was finally determined that the applicant had a right under article fourteen and that his land had been sold by the government he should be entitled to receive scrip which entitled him to take land in the states of Alabama Mississippi Louisiana or Arkansas selecting it from any of the government land in those states; this was given in lieu of the land that he had had in Mississippi and which had been sold.

Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A No sir I don't know.

Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A They

said grandma's people was on roll -- Milligans is all I know about.

Q Did you ever hear that your grandmother Jennie Bogle nee Milligan was on the roll? A No sir.

Q You state that they said your grandmother's folks the Milligans were on roll? A Yes sir.

Q A while ago you stated you didn't know whether your grandmother derived her Choctaw blood from her father or mother.

A I said my grandmother's name was Milligan; I don't know whether she got her blood -- on which side.

Q When you make the statement now that you understand that your grandmother's folks the Milligans were on roll do you mean that you understand that your grandmother was on roll?

A Yes sir.

Q If her maiden name was Milligan then her father must have been named Milligan. A I guess so.

Q Was he a Choctaw? A I guess so; I don't know.

Q Did you ever hear he was a Choctaw? A No sir; just heard my grandmother was a Choctaw.

Q Never heard who she got her Choctaw blood from? A No sir.

Q Don't know whether her father or mother was a Choctaw.

A No sir.

Q Never heard? A No sir.

Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A I don't know.

Q Have you any witnesses before the Commission today whom you desire to introduce in support of your claim? A No sir I haven't.

Q Do you know of any witnesses who would be able to support your testimony as to your ancestry and as to the amount of Choctaw blood possessed by you and as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder.

A No sir.

Q Have you any written evidence you want to offer at this time? A No sir not at this time.

Q Do you know of the existence of any such evidence showing that your ancestors ever complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek?

A No sir.

Q Do you desire to offer any written evidence at any future time? A Yes I guess I could get them in the future time but I can't today.

You will be allowed ten days from this date in which to furnish to the Commission such written evidence or evidence of witnesses in support of your application for identification as a Mississippi Choctaw.

Q Is there any further statement you desire to make in support of your application? A No sir; that's all.

Q Have you any relatives who have been before the Commission and made application for identification as Mississippi Choctaws. A No sir.

Q Any brothers or sisters? A No sir; my folks are all dead.

Q Are you the only living ~~xxxxxx~~ child of your father and mother? A Yes sir.

Easter Eliza KJack ?

Q Do you know whether your father has any brothers or sisters who are living? A No sir I dont.

To attorney: Do you desire to ask any questions? A No sir.

---0---

This applicant has the physical characteristics and general appearance of a person being descended from white blood; though her hair is long and black and complexion is somewhat dark; she has no knowledge of her Choctaw ancestors any further back than her grandmother and knows absolutely nothing of compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

---0---

- Q Do you speak or understand the Choctaw language? A No sir I dont.
Q Did your father understand or speak the Choctaw language? A No sir.
Q Did your grandmother speak or understand the Choctaw language? A She never spoke the language; I never did hear her.

---0---

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 20th day of October 1902.

Philip D. Hopkins

Notary Public.

Cwe

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Master Eliza Jack, et al.,
for identification as Mississippi Choctaws, M.C.R. 6343.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Master Eliza Jack for herself and her five minor children, Zere
May, Alvessie, Xavier, Cynthia and Blanchie Jack, under the follow-
ing provision of the act of Congress approved June 28, 1898 (30
Stats., 498):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descend-
ants of Jennie Eagle (nee Milligan), who is alleged to have been a

Choctaw Indian, degree of blood not known.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jennie Begle (nee Milligan), or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Easter Eliza Jack, Sere May Jack, Alvessie Jack, Xavier Jack, Cynthia Jack and Blanchie Jack as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for

their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 4 1903

Miss. Choctaw 6343

Muskogee, Indian Territory, October 29, 1902.

Easter Jack,

Tulsa, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 27, inclosing the affidavits of James W. Smith and Sarah E. Smith to the marriage of John Wesley Bogle and Syntha Ann Beeves in Missouri May 15, 1868; also statement as to the marriage of Joseph Jack and Easter Bogle, in Tulsa, Indian Territory, March 20, 1886, which are offered in support of your application for the identification of yourself and your children as Mississippi Choctaws, and the same have been filed with the record in this case.

Respectfully,

Acting Chairman.

PY.

Muskogee, Indian Territory, February 4, 1903.

E. Mastain,

Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Easter Eliza Jack, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteenthundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Easter Eliza Jack, Zero May Jack, Alvessie Jack, Xavier Jack, Cynthia Jack and Blanchie Jack as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

E. Hastain,--2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamr Bixby.

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Easter Eliza Jack, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Easter Eliza Jack, Zero May Jack, Alvessie Jack, Xavier Jack, Cynthia Jack and Blanche Jack as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

MS:G

Tams Pixby.

Acting Chairman.

COPY.

M.C.R. 6343

Muskogee, Indian Territory, February 4, 1903.

Easter Eliza Jack,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Easter Eliza Jack, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Easter Eliza Jack, Zero May Jack, Alvessie Jack, Xavier Jack, Cynthia Jack and Blanchie Jack as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Easter Elisa Jack, --2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tams Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of
Easter Eliza Jack, et al., applicants to the Commission for identi-
fication as Mississippi Choctaws, including the decision of the Com-
mission of February 4, 1903.

The Commission has the honor to report that the principal
applicant herein, her attorney of record and the attorneys for the
Choctaw and Chickasaw Nations have been duly advised by letter of
the action of the Commission, copies of said letters being attached
to the record.

Respectfully,

RECORDED

Tame Bixby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.O.B. 6343

Muskogee, Indian Territory, March 3, 1903.

Samuel C. Davis,
Tulsa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th ultimo, relative to the case of Esther Bogle Jack. You make certain statements regarding the right of the applicant in this case to be enrolled as a citizen of the Choctaw Nation and ask that she be granted further time in which to furnish additional proof in support of her claim. You enclose the affidavit of W. F. Jones relating to this case.

In reply to your letter you are informed that it appears from the records of the Commission that Master Eliza Jack, age thirty years, daughter of John and Cynthia Bogle, and wife of Joe Jack, made application to this Commission for the identification of herself and minor children as Mississippi Choctaws.

If the person named in the above application is identical with Esther Bogle Jack concerning whose case you inquire, you are informed that the Commission, on February 4, 1903, rendered its decision refusing her application, and on the same date she was notified by registered mail of the action of the Commission and that she was granted fifteen days from the date of said decision in which to file arguments in support of her claim to be forwarded to

S C D 2

the Secretary of the Interior.

The fifteen days from February 4, 1903, heretofore granted in this case, expired on February 19, 1903. On February 20, 1903, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence. The applicant will be duly notified of such action as may be taken by the Secretary.

You are further advised that the Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw Nation September 27, 1830.

The affidavit enclosed by you sets up no act of compliance on the part of the ancestor through whom this applicant claims her right to identification as a Mississippi Choctaw, but only tends to show that the applicant is possessed of Choctaw blood. It is not believed that said affidavit will in any way

S C D S

benefit the applicant in this case and it is therefore herewith
returned.

Respectfully,

Chairman.

MEM 112

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C O P Y
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Raster Eliza Jack for herself and her five minor children, Zero May, Alvessie, Xaviver, Cynthia and Blanchie Jack, for identification as Mississippi Choctaws, claiming rights as such, under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants have their claim to identification on their descent from Jennie Bogle (nee Milligan) grandmother of the principal applicant, it being claimed that Jennie Bogle (nee Milligan) was a Choctaw Indian and a resident in the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830, through John Bogle her son and father of the principal applicant.

The Commission rejected the applicants Feb. 4, 1903, because the name of the ancestor under whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with

reference to the names of Jennie Bogle (nee Milligan) and John Bogle, her son, father of the principal applicant, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any such rights, as Choctaw Indians.

These being the facts of the case, it is the opinion of this office that the decision of the Commission refusing to identify Easter Eliza Jack and her five minor children, as Choctaw Indians, entitled to participate in the distribution of land under the provisions of the 14th article of the treaty of 1830, is correct and is therefore, respectfully recommended for your approval.

very respectfully,

A. C. Tenner,

Acting Commissioner.

C.T.C.

D.C. 14065
H.D. 4256-1903.
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C O P Y
DEPARTMENT OF THE INTERIOR
WASHINGTON, MAY 9, 1903 VCP
EAF

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 20, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Easter Eliza Jack and her minor children, Zera May, Alvessie, Kaviory, Cynthia and Blanchie Jack, your decision of February 4, 1903, being adverse to the applicants.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Jennie Bogle (nee Milligan), the paternal grandmother of principal, it being alleged that Jennie Bogle (nee Milligan) was a full blood Choctaw Indian and a resident of the Choctaw Nation in Mississippi at the time of making the treaty of 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Jennie Bogle complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 613).

Reporting May 5, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

The Department has carefully considered the whole case, and hereby affirms the decision rendered.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure

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JAN 10 1901
U.S. DEPT. OF COMMERCE

RECEIVED
JAN 10 1901
U.S. DEPT. OF COMMERCE

M.C.R. 6343

COPY.

Muskogee, Indian Territory, May 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Easter Eliza Jack et al, of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

M.C.R. 6343

COPY.

Muskogee, Indian Territory, May 21, 1903.

H. Kastain,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Hester Eliza Jack et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

SIGNED

Tamm Platt
Chairman.

N.O.R. 6343

COPY.

Muskogee, Indian Territory, May 21, 1903.

Easter Eliza Jack,

Tulsa, Indian Territory.

Dear Madam:

You are hereby notified that on the 9th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Easter Eliza Jack et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Fame Dixby
Chairman.

MOR 6343

Muskogee, Indian Territory, October 31, 1906.

J. R. Clark,
Attorney at Law,
Tulsa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, requesting to be advised the present status of the Mississippi Choctaw application of Ester Jack, et al.

In reply to your letter you are informed that it appears from the records of this office that on May 9, 1903, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered February 4, 1903, refusing to identify as Mississippi Choctaws Easter Jack and her minor children, Zero May Jack, Alvessie Jack, Xaviver Jack, Cynthia Jack and Blanchie Jack, of which departmental action the applicants were duly notified on May 21, 1903. This case is now considered closed.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Oct. 18 - 1902

and Easter Elyza Jack

Age 30 1/4

Post Office Tulsa, Ok.

Father John Doge (d) 72

Mother Cynthia Doge (d) 70

Grandfather

Claims for self and for children. No claim for husband.

Children

Zero May	13
Aloisie (girl)	10
Xavier	7
Cynthia	5
Hanson	2

Husband:

Joe Jack (white) C.

Stenographer Clara M. Wood.

Jack

REFUSED

DECISION RENDERED. FEB 4 1903

OFFICE OF THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

FEB 4 1903

NOTICE OF DECISION

AT WASHINGTON

FEB 4 1903

FOR CHIEF OF BUREAU

RECORDS FORWARDED

FEB 4 1903

ACTION APPROVED BY THE COMMISSIONER

MAY 1 1903

NOTICE OF DEPARTMENTAL ACTION

MAY 1 1903

NOTICE OF DEPARTMENTAL ACTION

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO THE BUREAU OF INDIAN AFFAIRS
AND THE COMMISSIONER.

Choctaw MCR 6344

William Heath

MCR 6344

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of William Heath, for
identification as a Mississippi Choctaw, M.C.R. 6344.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of William Heath to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission refusing the ap- plication of William Heath for identifica- tion as a Mississippi Choctaw-----	9

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DEPARTMENT OF THE INTERIOR/
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. October 21, 1902.

6344

In the matter of the application of William Heath for identification as a Mississippi Choctaw.

S.W. Isaacs, attorney for applicant.

William Heath being sworn on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A William Heath.
Q Have you any middle name; any initial? A Just William Heath.
Q What is your age? A About fifty.
Q How much Choctaw blood do you claim to have? A I claim half.
Q What is your post office address? A Hear ne, Texas.
Q Is your father living? A No sir.
Q What's his name? A William Heath; I was named after him.
Q Is your mother living? A No sir.
Q What's her name? A Her name was Mary Heath.
Q When did your father die? A He has been dead several years; he died before my mother.
Q Well, that's not a very positive statement; how long has your father been dead? A I don't know exactly.
Q About how long? A About twenty years I guess.
Q Did he die before or after the war? A About the time of the War.
Q Then he has been dead more than twenty years. A Well, about the time of the War.
Q When did your mother die? A She died since the War; its been about nine years since she died.
Q Through which one of your parents do you claim to derive your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim your mother had? A She was full blood.
Q What was your father; what blood? A He was a Muskogee man.
Q Mixed white and negro? A Yes sir.
Q Where was your mother born? A Mississippi.
Q What part of Mississippi? A I don't know what part; she was born in Mississippi; I was brought away small with her.

Q When was she born-- do you know? A No sir I don't know the time.
Q About how old was your mother when she died? A About 80 years old; being uneducated of course we can't keep up with the times.
Q Where were you born? A In Mississippi and brought way from there small.
Q How old were you when you left Mississippi? A I was small; I don't know.
Q Do you remember leaving Mississippi? A No sir only what mother told me.
Q Two or three years old then? A Yes sir.
Q Where did you go to from Mississippi? A Texas.
Q What part of Texas? A Down in the Southern part.
Q And you have lived there ever since? A Yes sir.
Q Did your mother go to Texas with you? A Yes sir.
Q And your father also? A Yes sir.
Q And both died in Texas? A Yes sir.
Q Never returned to Mississippi to live there? A No sir.
Q Was your mother married in Mississippi? A Yes sir; she used to tell me about her parents and so on; I don't know.
Q Did you say your mother was born in Mississippi? A Yes sir.
Q Did she live there from the time of her birth until she went to Texas after you were born? A Yes sir.
Q What was your mother's father's name? A John Hemet Hemer.
Q What was your mother's mother's name? A Mary Hemer was what she told me; I never seen them.
Q What was their blood; what was the blood of your mother's parents? A Cheetaws.
Q Full blood Cheetaws? A Yes sir.
Q Did you ever see either one of them? A No sir.
Q Were they living when your mother and father left Mississippi? A Yes sir.
Q Where were they living at that time? A I don't remember the County they lived in; they lived in Mississippi, that's what she told me after I got big enough to know; she always talked about wanting to go back but never did take the opportunity of getting back. She was always talking about home and her people back there.
Q Now, are you married? A Yes sir.
Q Living with your wife? A Yes sir.
Q What is your wife's name? A Lucy Heath.
Q She possessed of any Cheetaw blood? A No sir none at all.
Q You don't make any application for her? A No sir.
Q Have you any children? A Only one; she is married.
Q What is her name? A Barbara Haley; she married a man by the name of Haley.
Q Has she made application to the Commission? A No sir.
Q Where does she live? A Ball's County, Texas.
Q What is her post office address? A I don't know; Oh, yes, Lett.
Q Was she any children? A Four or five.
Q What are their names? A I don't know their names. She lives away from me.
Q You have never seen your grandchildren, then? A Only one; his name is William.
Q Does she intend to make application? A Not as I knew of.
Q You say her husband does not claim any Cheetaw blood? A No sir, I don't think he has.
Q Well, then this application that you make now is for yourself alone? A Yes sir.

Q "Did you or any one for you ever make application to the Choctaw tribal authorities in the Indian Territory to enrolled as a member of that tribe? A Not as I knew of.

Q Well, you would know if you had made an application? A I know I haven't.

Q Well, did any one make any application for you before? A No sir.

Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896?

A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory?

A No sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek?

A Yes sir.

The treaty of Dancing Rabbit Creek was entered into between the representatives of the United States Government and the representatives of the Choctaw tribe of Indians who were then living in Mississippi and Alabama; it was entered into on the 27th day of September, 1830. The object of that treaty was to secure the removal of the Choctaw Indians from the States of Mississippi and Alabama to the new country West of the Mississippi River; that country is known now as the Choctaw Nation, Indian Territory; just prior to the ratification of this treaty it became evident that a great many Choctaws desired to remain in Mississippi and didn't want to remove to the country West of the Mississippi River, and it also became apparent that a treaty could not be made with the Choctaw Indians unless some provision was made for those Indians who didn't desire to move; and in order to provide for that class of Indians article fourteen was inserted in the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that article fourteen as read to you?
A Well, no sir; I don't understand it.

Well, article fourteen required that in case a Choctaw Indian desired to remain in Mississippi or Alabama and receive land from the Government under the provisions of that article, that he should within six months after the treaty of Dancing rabbit Creek was ratified go to the Indian agent who was the representative of the United States Government and whose name was Col. William Ward and let him know, that is, tell him that they desired to remain and take advantage of the provisions of that article: now, the treaty of Dancing rabbit Creek was ratified on the 24th day of February, 1831. So that the Choctaw Indians had six months from that date in which to go to the Indian agent and tell him that they wanted to stay and take advantage of the provisions of article fourteen. If they did this the Indian agent was to register their names in a book and that Indian was then entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey; that was to go to him as the head of a family. When if he had a child in his family over ten years of age that child was entitled to a half section and each child under ten years of age was entitled to a quarter section; and these reservations that were to go to the children were to adjoin the reservations of the head of the family; and all the reservations were to include the improvement that the head of the family might have; or a portion of it. Then, according to the provisions of article fourteen these Choctaws must live upon that land for five years in order to secure a title. If they lived upon the land for five years then the Government issued to them a deed or patent which gave them a fee simple title and they could sell or dispose of it at pleasure. Now the last clause of article fourteen reads as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That clause means that in case a Choctaw preferred to stay in Mississippi and become a citizen of that State and receive land under the provisions of article fourteen of the treaty of 1830, he should not by doing so forfeit his right to citizenship in the new Choctaw Nation in Indian Territory, and at any time he wanted to move over he could do so, but he did lose any right he might have had in Choctaw annuities; annuities were the moneys that were paid annually to the Choctaw Indians under treaty provisions.

Q Now do you think you understand article fourteen better than you did before? A Yes, I understand it better than I did before.

Q Well, do you think you understand it well enough to make your claim under the provisions of that article? A I guess so; all I know is by my mother teaching me.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty as read to you? A No sir.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in the States of Mississippi or Alabama in 1830 when the treaty was entered into between the United States and the Choctaw Indians? A Yes, they was living there; my grandfather and grand mother died there; so my mother told me.

- Q Were your mother's father and mother living in Mississippi in 1830? A Yes sir.
- Q Were they married at that time? A Yes sir.
- Q Was your mother born at that time? A Yes sir.
- Q And was she living in 1830 with her parents? A I guess so.
- Q Were either of your mother's parents or your mother recognized by the Choctaw tribe of Indians as members of that tribe in 1830? A I think so.
- Q Do you know whether they were or not? A No; not exactly; all I know is just what she told me.
- Q Your mother told you that they had been recognized? A Yes sir.
- Q In what manner had they been recognized? A I don't know.
- Q You never heard your mother say how they were recognized? A No sir.
- Q Did you ever hear your mother speak of the time when the treaty of Dancing Rabbit Creek was entered into? A Yes I have heard her say that the people- some of them left and some wanted to stay.
- Q Was she present at the making of the treaty? A I don't know.
- Q Did any of your Choctaw ancestors own improvements at the time of the making of the treaty of Dancing Rabbit Creek in Mississippi or Alabama; in the old Choctaw Nation in Mississippi or Alabama? A Yes, I understand they did own land.
- Q Where was that improvement located? A I can't tell you the county of course. But I have heard her say.
- Q Do you know what kind of an improvement they owned there? A No sir.
- Q Did any of your Choctaw ancestor remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 to 1838? A No sir; not that I know of.
- Q Did they stay there in Mississippi? A Yes sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek go to the United States Indian agent, Colonel Wm. Ward, and signify their intention of remaining in Mississippi and becoming citizens of the State? A I think I heard my mother say that my back parents did.
- Q Her parents? A Yes sir.
- Q You say you think you heard her say that they went to Col. Ward? A I think so, as well as I can remember now.
- Q Well, now, what did she say about that? A Well, I just naturally forget what she did say altogether; lets she told me I have forgotten.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama from the United States Government under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain there and become citizens of the State; the records of the Government show that this agent failed to register the names of many Choctaws who really did signify their intention to remain there and take advantage of the provisions of that article of the treaty; On this account in many instances the land which the Indians desired to have reserved for them and upon which they had improvements were sold by the Government at Public Land Sale and the Choctaw

Indians were thus deprived of their lands. Y This action caused many complaints to be entered by the Choctaw s and finally the matter was brought to the attention of Congress which appointed a Commission March 3, 1837, whose duty it was to go to Mississippi and investigate these claims. This Commission did not complete this work and in 1842 another Commission was appointed under an act of Congress approved August 23, 1842,; this second Commission also had authority to go to Mississippi and hear claims- which they did.

Q Now did any of your ancestors ever appear before either Commission appointed under the act of Congress approved March 3, 1837, or before the Commission appointed under the act of Congress approved August 23, 1842, and attempt to establish their right under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of

Well, the act of Congress approved August 23, 1842 provided that in case the Commission should determine that the Choctaw applicants who appeared before them were entitled or had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their lands had been sold by the Government, they should be permitted to select land elsewhere in the States of Mississippi, Alabama, Louisiana, or Arkansas; and they were given scrip which was redeemable at 50¢ an acre, and if they desired they could go to any one of these four States and select land from the vacant Government land.

Q Now did any of your Choctaw ancestors receive any scrip from the Government under that act of Congress? A No sir not that I know of

Q So far as you knew none of your ancestors were ever recognized members of the Choctaw tribe of Indians? A Not as I personally knew

Q So far as you knew did any of your ancestors receive any benefits as Choctaw Indians? A No sir/

Q Have you any witnesses today before the Commission whom you desire to introduce in support of your application? A No sir.

Q Do you know of any witnesses who would be able to support your testimony you have given today? A No sir; I don't know of any.

Q Have you any written evidence in the nature of deeds or patents or other documentary evidence you desire to file at this time? A No sir.

Q Do you know of the existence of any such written evidence which would tend to show that any of your ~~ancestors~~ ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.

Q Do you desire to offer any written evidence of any kind in support of your application at any time? A No sir.

(Attorney makes a motion to allow thirty days for further testimony in support of this claim". Ten days from this date will be allowed the applicant in which to file such documentary evidence, or the oral evidence of witnesses as he may desire in support of his application for identification.)

Q Do you speak the Choctaw language? A No sir.

Q Understand it? A No sir.

Q Did your mother speak or understand the Choctaw language? A Well, some; she was away and she just let it all go by.

Q Are there any other statements you desire to make? A No sir, none at all.
Q do you desire-- to attorney--- to ask any questions? A Yes sir.
Q (to applicant) You say that this daughter th & lives in Texas is the only child that you have ? A That's all.
Q have you any other relatives that have made application before the Commission? A No sir.
Q Have you any relatives who are likely to make application for identification? A No sir.

Examination by S.W.Isaac:

Q You say you are not educated? A No sir.
Q You really don't understand this treaty provision? A No sir.
Q The provisions of this fourteenth article of the treaty of 1830?
A No sir.

By the Commission:

Q Well, would you like to have the treaty explained more fully?
A Well,
Q What part of the treaty-- of article fourteen don't you understand
A I couldn't understand it any way.
Q Well, what claim are you making now? A Well, I am making a claim of the Choctaw.
Q What kind of a Choctaw? A Well, the Choctaw Nation, that's all.
Q Do you claim that your ancestors were Indians and resided in Mississippi in 1830? A Yes sir.
Q And who received benefits under article fourteen of the treaty of 1830? A Yes sir; that's where my parents came from.
Q Well, I say do you make your claim now as a descendant of a Choctaw Indian who resided in Mississippi in 1830 and who derived benefits under the fourteenth article of the treaty of 1830? A Yes sir.
Q Now, in case your daughter should apply it would be necessary for her to make proof of the marriage of yourself and wife. A Yes sir.
Q What is your wife's name? A I have been married twice, and the mother of this daughter of mine is dead.
Q What was the name of the mother of this child? A Harriet Lee before I married her.
Q Was she possessed of Choctaw blood- your first wife? A No sir, colored.
Q When and where did you marry her? A Grimes County, Texas.
Q Did you marry under a license? A Yes sir.
Q By a minister or official? A By minister.
Q Have you your marriage license or certificate of your first marriage? A Not with me now.
Q Have you it at home? A Yes sir.
Q And in the event of your daughter's applying it could be secured by addressing a communication to you? A Yes sir.
Q The license was issued by the clerk of the County there? A Yes sir.
Q Was your first wife married before she married you? A No sir.
Q And she is dead now? A Yes sir.

Q When did she die? A She's been dead about 18 or 20 years.
Q How long were you married to her before she died? A Only about two years.

This applicant has the appearance and physical characteristics of a person being descended from white parentage- possibly mixed with negro blood; he has black hair, brown eyes and dark complexion; he states that he doesn't understand fully the provisions of article fourteen of the treaty of 1830 and does not know of any compliance with the provisions thereof on the part of any of his alleged Cheateau ancestors.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on October 21, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 23rd day of October, 1902.

Philip Hopkins

Notary Public.

COPY:

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of William Heath, for
identification as a Mississippi Choctaw, M.C.R. 6344.

---: D E C I S I O N :---

It appears from the record herein that an application for
identification as a Mississippi Choctaw was made to this Commission
by William Heath for himself, under the following provision of the
act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that said applicant claims rights in
the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being a descend-
ant of John Homer and Mary Homer, who are alleged to have been Full-
blood Choctaw Indians, and to have resided in Mississippi in eigh-
teen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Hemer, or Mary Hemer, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Heath as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identifica-

tion as much should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Dixby.

Chairman.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Breckinridge.

COMMISSIONER.

(SIGNED)

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory,

OCT 30 1903

Munksgaard. S. T. Nov. 14. 1902.

Received of the
Commissioner to the S. T. Civilized Library one
Copy of M. C. R. Freeman. 6344. "William Heath."
S. W. Isaac

Muskogee, Indian Territory, April 1, 1904.

County Clerk Sumter County,

Livingston, Alabama.

Dear Sir:

There is now pending before this Commission the application of William Heath for identification as a Mississippi Choctaw, claiming rights under article 14 of the treaty of 1830, by reason of being a descendant of John and Mary Homer, it being claimed that John and Mary Homer were full-blood Choctaw Indians and residents of Mississippi in 1830.

An examination of the records of the Indian Office has been made with reference to the names of John and Mary Homer, and it is discovered that the name of John Homer appears among the names of those who received land under the provisions of article 14 of the treaty of 1830; that he had three children over and three children under ten years of age; the records fail to give the names of these children. However, book 95, page 379 of "Brown and Kincannon's Notes of the Proceedings in certifying Choctaw Claims in Mississippi" giving a description of John Homer's land recorded in its conveyances, as follows:

Co. Clerk, 2.

No. 412 John Homer Sec 32, T. 16, R. 1 E.
" " E/2 of Sec. 31, T. 16 R. 1 E.
" " SE/4 " " 30 T. 16 R. 1 E.
" " S/2 " " 29, T. 16 R. 1 E.
" " Frac. Sec. 8, T. 15 R. 1 E.
" " E/2 of NE/4 Sec 6, T. 15, R. 1 E.

Affidavits proving residence, etc., and deed filed.
Approved March 18, 1838. A. V. B."

These lands claimed by Green B. Chainey and Poyton Chainey by deed dated 14th December, 1836, for the consideration mentioned below, attested by three witnesses, proved and recorded in Sumter County: deeds in possession of claimants, who desire title to themselves, consideration \$24,738.50.

Joseph B. Karl, sworn, saith he was acquainted with reservee and with above lands located for him; did not see money paid, but heard reservee acknowledge receipt of consideration, about \$24,000.00".

If the names of these children appear upon the records of your office, you are kindly requested to furnish the Commission with such names.

Respectfully,

Commissioner in Charge.

M.O.R. 6344

Muskogee, Indian Territory, April 15, 1904.

Mansfield, Motturray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

In compliance with your request of the 11th instant, there is herewith enclosed you one copy of the testimony given before this Commission by William Heath on October 21, 1903, the date on which he made application for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

JYM-20.

M C R 6344

McKagoo, Indian Territory, August 17, 1904.

William Heath,
Hearne, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state that you will try to appear before the Commission this fall.

In reply you are informed that there is no necessity for your personal appearance before this Commission, as the Secretary of the Interior on July 11, 1904, approved the decision of the Commission refusing the application made by you for identification as a Mississippi Choctaw, of which departmental action you were duly notified on July 23, 1904.

The Commission now considers your case closed and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 30, 1903.

William Heath,
Hearne, Texas.

Dear Sir:

You are hereby advised that on the 30th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William Heath, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Heath as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

U. N. S.

Days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

T. B. Needles.

Commissioner in Charge.

Register.

OPY.

M.C.R. 6344.

Muskogee, Indian Territory, October 30, 1903.

S. W. Isaac,

Attorney-at-Law,

Muskogee, Indian Territory.

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You are further advised that the applicant in this case

S.V.I.2.

has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Register.

M. C. R. 6344.

COPY.

Muskogee, Indian Territory, October 30, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William Heath, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Heath as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

COPY:

Muskogee, Indian Territory, November 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William Heath, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 30, 1903.

The Commission has the honor to report that the applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tamo Dixby.
Chairman.

Through the

Commissioner of Indian Affairs.

2 Enc. M. C. R. 6344.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Land
73386-1903.

Washington Feb. 17, 1904.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of William Heath for identification as a Mississippi Choctaw, wherein a decision adverse to him was rendered by the Commission October 30, 1903. The testimony in this case shows that the applicant bases his claim to identification on his descent from John and Mary Homer through their daughter Mary Heath nee Homer, mother of the applicant, it being claimed that John and Mary Homer were full blood Choctaw Indians and residents in Mississippi at the date of the making of the treaty of 1830. The Commission rejected the applicant because the name of the ancestors, through whom he claims, do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of

1830, and for the additional reason that the applicant has never been enrolled as a citizen of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of John and Mary Homer, and it is discovered that the name of John Homer appears among the names of those who received land under the provisions of the 14th article of said treaty; that he had three children over and three under 10 years of age; the records fail to give the names of these children. However, Book 95, page 379 of "Brown and Kincannon's Notes of the Proceedings in certifying Choctaw Claims in Mississippi" giving a description of John Homer's land recorded in its conveyances, as follows:

"No. 412 John Homer Sec 32, T. 16, R. 1 E.
" " E/2 of Sec. 31, T. 16 R. 1 E.
" " SE/4 " " 30, T. 16, R. 1 E.
" " S/2 " " 29, T. 16, R. 1 E.
" " Frac. Sec. 5, T. 16, R. 1 E.
" " E/2 of NE/4, Sec 6, T. 16, R. 1 E.

Affidavits proving residence, etc, and deed filed. Approved March 18, 1838. A. V. B."

"These lands claimed by Green B. Chainey and Peyton Chainey by deed dated 14th December, 1836, for the consideration mentioned below, attested by three witnesses, proved and recorded in Sumter County: deeds in possession of claimants, who desire title to themselves, consideration \$24,738.50.

Joseph B. Earl, sworn, saith he was acquainted with reservee and with above lands located for him; did not see money paid, but heard reservee acknowledge receipt of consideration, about \$24,000.00."

The Recorder's Office in Sumter, Alabama, should show the names of these children, and it is the opinion of this office that this case should be remanded to the Commission with the instructions that they ascertain the

-3-

names of these children and that the applicants be allowed further opportunity to secure such evidence, affidavits, or other properly authenticated papers as they deem fit to establish the identity of the John Homer, through whom they claim, with the party whose name appears on the records of this office as above cited.

Very respectfully,

A. G. Tomner,

Acting Commissioner.

OTC:LKS.

Inclosures.

DEPARTMENT OF THE INTERIOR.
Washington.

JWH
FHE

I. T. D. 1392-1904.
D. C. 7567-1904

March 3, 1904.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 16, 1903, you transmitted the record in the case of William Heath, applicant for identification as a Mississippi Choctaw, with your decision of October 30, 1903, refusing to identify him as such.

February 17, 1904, the Acting Commissioner of Indian Affairs forwarded the record in the matter to the Department, with the recommendation that the applicant be allowed an opportunity to furnish additional testimony in support of his claim.

It seems that William Heath obtained his Choctaw blood from his mother, Mary Heath. She was the daughter of John and Mary Homer, both of whom were full blood Choctaws and residents of the old Choctaw Nation in Mississippi at the date of the treaty of Dancing Rabbit Creek.

From the Acting Commissioner's letter it appears that one John Homer received a large tract of land in Sumter County, Alabama, under the provisions of article 14, of the treaty of 1830,

and that he was then the father of six children, three of whom were under ten and three of whom were over ten years of age.

It appears that the applicant's mother, Mary Heath, was born about the year 1811. It is therefore possible that she was one of the children of the John Homer who was a beneficiary under article 14.

The Acting Commissioner suggests that the Recorder's Office in Sumter County, Alabama, should show names of these children.

In advising the applicant hereof you will follow the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins, and you will also furnish him a copy of the Acting Commissioner's letter inclosed.

The record in the case is returned.

Respectfully,

THOS RYAN.

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, April 1, 1904.

William Heath,

Hearne, Texas.

Dear Sir:

The Secretary of the Interior, with his letter of March 3, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of your application for identification as a Mississippi Choctaw, with instructions that you be granted an opportunity to furnish additional testimony and evidence in support of your claim.

It appears that you obtained your Choctaw blood from your mother, Mary Heath; that she was the daughter of John and Mary Homer, both of whom were alleged to have been full-blood Choctaws and residents of the old Choctaw Nation, in Mississippi, at the date of the treaty of "Dancing Rabbit Creek."

The Secretary of the Interior in his letter states:

"From the Acting Commissioner's letter of February 17, 1904, it appears that one John Homer received a large tract of land in Sumter County, Alabama, under the provisions of article fourteen of the treaty of 1830, and that he was then the father of six children, three of whom were under ten and three of whom were over ten years of age.

"It appears that the applicant's mother, Mary

W. H., 2.

Heath, was born about the year 1811; it is therefore possible that she was one of the children of the John Homer who was a beneficiary under article 14."

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of article fourteen contain certain information as of the year 1830 relative to the persons whose names appear therein, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families,

5th. The names of their neighbors and immediate associates, and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation, in the States of Mississippi and Alabama, in 1830, and that such ancestors complied or attempted to comply with the pro-

U. S., 3.

visions of the 14th article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, May 2, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support

W. H., 4.

of this case, notice of the taking of testimony, or filing of
documentary evidence, being first served upon Mansfield, McMurray
& Cornish, attorneys for the Choctaw and Chickasaw Nations, South
Maalester, Indian Territory.

Respectfully,

Commissioner in Charge.

H & R Dep.
Registered.

Muskogee, Indian Territory, April 1, 1904.

S. W. Isaac,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior, with his letter of March 3, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application of William Heath for identification as a Mississippi Choctaw, with instructions that he be granted an opportunity to furnish additional testimony and evidence in support of his claim.

It appears that he obtained his Choctaw blood from his mother, Mary Heath; that she was the daughter of John and Mary Homer, both of whom were alleged to have been full-blood Choctaws and residents of the old Choctaw Nation, in Mississippi, at the date of the treaty of "Dancing Rabbit Creek."

The Secretary of the Interior in his letter states:

"From the Acting Commissioner's letter of February 17, 1904, it appears that one John Homer received a large tract of land in Sumter County, Alabama, under the provisions of article fourteen of the treaty of 1830, and that he was then the father of six children, three of whom were under ten and three of whom were over ten years of age.

"It appears that the applicant's mother, Mary

S. W. I., 2.

Heath, was born about the year 1811; it is therefore possible that she was one of the children of the John Homer who was a beneficiary under article 14."

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of article fourteen contain certain information as of the year 1830 relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates, and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation, in the States of Mississippi and Alabama, in 1830, and that such ancestors complied or attempted to comply with the pro-

S. W. I., 3.

visions of the 14th article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, May 2, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support

S. W. I., 4.

of this case, notice of the taking of testimony, or filing of
documentary evidence, being first served upon Mansfield, McMurray
& Cornish, attorneys for the Choctaw and Chickasaw Nations, South
McAlester, Indian Territory.

Respectfully,

Commissioner in Charge.

R & R Dep.
Registered.

Muskogee, Indian Territory, April 1, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of March 3, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application of William Heath for identification as a Mississippi Choctaw, with instructions that he be granted an opportunity to furnish additional testimony and evidence in support of his claim.

It appears that he obtained his Choctaw blood from his mother, Mary Heath; that she was the daughter of John and Mary Homer, both of whom were alleged to have been full-blood Choctaws and residents of the old Choctaw Nation, in Mississippi, at the date of the treaty of "Dancing Rabbit Creek."

The Secretary of the Interior in his letter states:

"From the Acting Commissioner's letter of February 17, 1904, it appears that one John Homer received a large tract of land in Sumter County, Alabama, under the provisions of article fourteen of the treaty of 1830, and that he was then the father of six children, three of whom were under ten and three of whom were over ten years of age.

"It appears that the applicant's mother, Mary

Heath, was born about the year 1811; it is therefore possible that she was one of the children of the John Homer who was a beneficiary under article 14."

The Commission is directed to advise you that the records relating to the compliance of persons with the provisions of article fourteen contain certain information as of the year 1830 relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates, and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation, in the States of Mississippi and Alabama, in 1830, and that such ancestors complied or attempted to comply with the pro-

M., MCM. & O., 3.

visions of the 14th article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday May, 2, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support

M., McH. & C., 4.

of this case, notice of the taking of testimony, or filing of
documentary evidence, being first served upon the opposite party.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On November 16, 1903, the Commission transmitted to the Department the record in the matter of the application of William Heath for identification as a Mississippi Choctaw, together with its decision of October 30, 1903, refusing to identify him as such.

The Department, with its letter of March 3, 1904, (I.T.L. 1392-1904), returned the said record with instructions that the applicant, William Heath, be granted further opportunity to introduce additional testimony and evidence in support of his claim.

In accordance with the instructions above referred to, the Commission on April 1, 1904, notified the applicant, William Heath, his attorney of record, S. W. Isano, and Messrs. Mansfield, McTurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, that the Commission would, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, May 3, 1904, hear the testimony of such witnesses as might present themselves in person and receive for consideration such documentary evidence as

Secretary E.

might be offered in support of said case.

On the same date the Commission addressed a communication to the County Clerk of Sumter County, Livingston, Alabama, in which it was stated that the name of John Homer, the ancestor through whom William Heath claims his right to identification as a Mississippi Choctaw, appears upon the records of the Indian Office among the names of those who received land under the provisions of article 14 of the treaty of 1830; that he had three children over and three children under ten years of age, but that the record failed to give the names of the children, and requesting that the names of those children be furnished the Commission if they appeared upon the records of Sumter County, Alabama. Up to this time no response to our request has been received.

No appearance having been entered by or on behalf of the applicant, and no additional testimony having been offered by him, the original record in said case, together with copies of notices furnished the applicant, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations is therefore herewith transmitted.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

JIM-54.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land,

WASHINGTON

July 6, 1904.

31095-1904.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated May 5, 1904, transmitting the remanded record of the application of William Heath for identification as a Mississippi Choctaw. October 30, 1903, the Commission decided adversely to the applicant.

March 3, 1904, the Department remanded the case to the Commission to allow the applicant further time to furnish evidence to establish his identification.

It appears that the applicant, William Heath, his attorney, S. W. Isaac and the attorneys of the Choctaw Nation were notified April 1, 1904, that the Commission would hear further testimony up to and including May 2, 1904.

May 5, 1904, the Commission returned the record reporting that no response had been made up to and including that date.

The original record in this case did not satisfactorily show the descent of the applicant from a beneficiary under the 14th article of the Choctaw treaty, but it being claimed he was descended from John Homer and Mary Homer, and there having been a beneficiary under 14th article of the name of John Homer, the case was remanded in order that satisfactory proof might be presented of his descent from that John Homer, if such were the fact.

The applicant having failed to take advantage of this additional opportunity to establish his case by competent evidence, I recommend that the original decision of the Commission rejecting him be approved.

Very Respectfully,

A. C. Tonner.
Acting Commissioner.

FILE

6

(COPY)

DEPARTMENT OF THE INTERIOR

W.C.F.

WASHINGTON

THE

De
24439-1904.

I.T.D. 5502-1904.

July 11, 1904.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

November 16, 1903, you transmitted the record in the matter of the application of William Heath (M.C.R. 6344), for identification as a Mississippi Choctaw, including your decision of October 30, 1903, rejecting the applicant.

On March 3, 1904, the Department remanded the case with the instructions that the applicant be granted further opportunity to introduce additional testimony in support of his claim.

It appears that on April 1, 1904, you notified the applicant, his attorney, and the attorneys for the Choctaw Nation, that thirty days would be allowed the applicant within which to submit further evidence in the case. In your letter of May 5, 1904, you state that no further appearance was entered by or on behalf of the applicant, and no additional testimony offered by him.

--2--

Reporting July 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

M.C.R. 6344

COPY

Muskogee, Indian Territory, July 23, 1904.

Hansfield, McFarrey & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby notified that on the 11th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of William Heath, of which decision you were advised by mail on the 30th day of October, 1903.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

Muskogee, Indian Territory, July 23, 1904.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 11th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of William Heath, of which decision you were advised by registered mail on the 30th day of October, 1903.

Respectfully,

SIGNED

T. B. Needles
Commissioner in Charge.

M.C.R. 6344

COPY.

Muskogee, Indian Territory, July 23, 1904.

William Heath,

Hearne, Texas,

Dear Sir:-

You are hereby notified that on the 11th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 30th day of October, 1903.

Respectfully,
(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 6544

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date OCT 21 1902

Name William Heath

Age 50 Blood 1/2

Post Office. Heame, Texas

Father: William Heath w.m.d.

Mother: Mary Heath full d.

Claims through

mother

Children:

None
self alone

He. Hamid

Choctaw MCR 6345

Carrie Searcy

MCR 6345

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. OCTOBER 22, 1902.

6345

In the matter of the application of Carrie Searcy for the identification of herself and her minor child, Thomas Searcy, as Mississippi Choctaws.

W.H.Harrison, attorney for applicant.

Carrie Searcy being sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A Carrie Searcy.
Q What is your age? A Forty seven.
Q What is your post office address? A Coalgate, I.T.
Q How long have you lived in Coalgate? A One week.
Q Where did you live before that? A San Francisco
Q Were you born in California? A Born in Mississippi in Itwamba County.
Q How long did you live in Mississippi? A Well, I was quite young.
Q And went to what State? A To Indian Territory I guess.
Q You lived there how long? A I was raised down about Stringtown in the Choctaw nation.
Q From there you went where? A California.
Q Where did you live in California? A San Francisco.
Q How long did you live there? A 16 or 17 years I guess.
Q Then did you come from California to Coalgate? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A John Hulse.
Q What was your mother's name? A Rachel.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A Well, my grandmother was a half blood.
Q Your mother would be half of that, wouldn't she, that would be a quarter? A Yes sir.
Q And you would be half of what your mother had? A Yes sir.
Q You would be an eighth then wouldn't you? A Yes sir.
Q Was your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q Is your husband living now? A No sir, I am a widow.

- Q What was your husband's name? A Coleman Searcy
- Q Was he a white man or Choctaw Indian? A White man.
- Q Have you any children by this marriage that you want to make application for under the age of 21 and unmarried? A I have one son, Thomas; he is nineteen years.
- Q You just claim for yourself and this son? A Yes sir.
- Q Is your name or the name of your son on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I think my sister gave it in here when she gave in their names.
- Q You mean she presented your name to be identified as Mississippi Choctaws? A Yes sir.
- Q That is the only application then that you knew of? A Yes sir.
- Q You never made application did you to the Commission to the Five Civilized Tribes for yourself and son? A No sir.
- Q Did you ever make application to the Dawes Commission at any time for citizenship in the Choctaw Nation, and particularly under the law of June 10, 1896? A No sir.
- Q So you have not been admitted then to citizenship in the Choctaw Nation, neither he nor you? A No sir.
- Q Do you come now to be admitted and your son under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I don't fully.

The treaty of 1830 sometimes called Dancing Rabbit Creek was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to remove as far as possible all the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who preferred to stay back in the old Nation article fourteen was drafted and put into the treaty of 1830. An article in a treaty is one of its subdivisions or sections. Now article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now that is article fourteen of the treaty under which you are making your claim today; do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir.

Q What is the name of your ancestor through whom you are making this claim now to be identified as a Mississippian Chectaw? A Well, my grandmother was named Sally Thomas.

Q Whom did she marry? A A Hopkins. Think it was Hampton I am not sure.

Q How much Chectaw blood did she have? A She was half.

Q You claim through your mother? A Yes, Rachel Hopkins; she married John W. Hulsey.

Q Did your mother Rachel ever live in Mississippi? A Yes sir.

Q How old would she be if living now? A I don't know.

Q Did she die in Mississippi? A No sir, I don't know where she died.

Q How old would she be if living now? A She must be about 70 years old or over.

Q Was she born in the State of Mississippi? A Yes sir.

Q Then she was born previous to the making of the treaty of 1830? A I think she would be 70 years old; my eldest sister was quite an old woman.

Q Do you know whether she was born before or after the treaty of 1830- when that treaty was made? A I don't know whether she was or not.

Q Did she have any elder brothers or sisters? A I think she did.

Q Were they born in Mississippi? A Yes sir.

Q Could you tell how much elder any of them were than your mother? A No sir I couldn't.

Q Do you think there was more than one brother or sister? A Yes I think so.

Q If she was born 70 years ago and had more than one brother or sister the chances are that some of them were born there in Mississippi before the year 1830? A They might have been; yes.

Q She claimed through Sally Thomas your grandmother? A Yes sir.

Q Did she live in Mississippi in 1830? A Yes sir.

Q Was she head of a family there then? A My grandmother? Yes sir.

Q Was her husband a Chectaw Indian or white woman? A White man.

Q Do you know whether your grandmother, Sally Thomas, lived in Mississippi in 1830 and had a family there then and complied with article fourteen of the treaty of 1830 at the time of the ratification of the treaty and afterwards? A I don't know.

Q Did you ever hear that she or any Chectaw ancestor of yours within six months after the ratification of the treaty of 1830 went to the United States Indian agent, Col. Ward, and told him that they wanted to stay there and take land and become citizens of the States? A I don't know; never heard any one say; I think not.

Q Did she or any of your Chectaw ancestors receive land from the Government in the old Chectaw Nation there in Mississippi or Alabama and lived upon it five years and then received a patent from the Government? A No sir.

Q Never received any benefits of any kind as Chectaw Indians? A No sir.

Q Never owned any improvements in the old Chectaw Nation in Mississippi? A No sir.

Q Did any of them go from the old Chectaw Nation in Mississippi or Alabama to the Chectaw Indian Territory with the other Indians in 1833 to 1838? A Not to my knowledge.

Q Did any of your Chectaw ancestors who lived in the State of Mississippi ever go from that State to the Indian Territory, Chectaw Nation? A Not that I know of.

Q The Indians who stayed back in the old Chectaw Nation after the treaty of 1830 was ratified refusing to go to the Chectaw Nation, Indian Territory under the treaty with the other Indians were required if they wanted to take advantage of the fourteenth article of

the treaty to go to the United States Indian agent Gel. Ward within six months after the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Indians did this whose names Gel. Ward neglected to put upon his list known as Ward's Register and as a result of his neglect a great many Choctaw Indians who had land in the old Choctaw Nation upon which they had improvements had lands and improvements taken from them by the Government and sold at Public Land Sale; this caused many complaints among the Choctaw Indians so that in 1837 by act approved March 3, that year, a Commission was appointed by Congress which went to Mississippi and investigated these claims. In 1842 another Commission was appointed by Congress for the same purpose; these Commissions also went to Mississippi and heard claims under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors, Sally Thomas, or any others go before either of these Commissions and claim any benefits as Choctaw Indians? A No sir.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know; I don't think so.

Q This scrip was issued under act of Congress of August 23, 1842, and was issued to these Choctaw Indians who proved their rights and that their land in the old Choctaw Nation had been taken from them and sold at Public Land Sale. Are you related to Susan Bays? A My sister

Q She has been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.

Q Would you like to have her case and yours consolidated? A Yes sir.

(The case of Susan Bays et al., M.C.R. 6060 is referred to for the purpose of consolidation together with all other applicants who claim under the same common ancestor.)

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any evidence that you want to introduce at this time or any witnesses you would like to call? A No sir.

Examination by Mr. Harrison:

Q When you stated that neither of your Choctaw ancestors had never owned land in Mississippi in 1830 nor received-- A Well, I said I didn't know.

Q No, you stated positively that they didn't. A Well,

Q When you state that none of your Mississippi ancestors had ever received any benefits as such or owned land in Mississippi in 1830 do you want to be understood as swearing to that as a fact or that you don't know? A Well, I don't know.

Q Then if you stated that you were mistaken? A No; for I have heard them say that they didn't. So I think I am positive.

Q Well, how do you mean? A I mean my elder sister.

Q You have heard members of your family say that your Miss ssipi

ancestors had neither owned land in Mississippi in 1830 nor received any benefits as such in 1830? A Yes, and I have heard my father say so before he died; however my father was a citizen.

Q When you stated that none of your Mississippi ancestors had either owned any land in Mississippi in 1830 or had received any benefits as such in 1830 do you want to be understood as swearing positively to that fact or do you want to be understood that you don't know it to be true; you stated a little while ago that it was a fact; now I ask you if you want to still give it as a fact? A It is a fact because I know it is a fact.

Q You don't understand the question; you stated a few moments ago that none of your Mississippi ancestors had either owned land in Mississippi in 1830 or had received any benefits as such in 1830; now I ask you do you still desire to be understood as swearing to that as a fact or do you wish it to be understood that you don't know whether they received benefits or not? A I want you to understand that I swear to it as a fact that they never received benefits.

Q When if you have stated it to be a fact that they never owned any land-- what you knew is what you have heard? A Of course all I know is what I have heard; I was born here and I only know just from what they have said; I was born there and I was raised here and all I know is what my people tell me.

By the Commission:

This applicant has the appearance of a person descended from white parentage; brown hair, medium fair complexion, gray eyes; does not understand or speak the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on October 22, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 25th day of October, 1902.

Thos. B. Perkins
Notary Public.

Muskogee, Indian Territory, February 3, 1903.

Carrie Searcy,

Coalgate, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Susan Bays, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Bays, et al.	M.C.R. 6060
Elijah Bays	M.C.R. 6111
Callie Harney, et al.	M.C.R. 6110
Sam Hulsey, et al.	M.C.R. 6086
Gertrude Esmond, et al.	M.C.R. 6068
Charles H. Hulsey	M.C.R. 6061
John Enloe, et al.	M.C.R. 6063
Sam B. Enloe	M.C.R. 6087
Carrie Searcy, et al.	M.C.R. 6345

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Carrie Searcy,--8

said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susan Bays, Samuel Bays, Perry M. Bays, Elijah Bays, Callie Harney, Elijah Harney, Johnnie Harney, Sam Hulsey, Seth Hulsey, Carrie Hulsey, Gertrude Esmond, Alice Esmond, Carrie Esmond, Charles H. Hulsey, John Enloe, Franklin B. Enloe, Sam B. Enloe, Carrie Searcy and Thomas Searcy as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully;

SIGNED:

Lorne Peabody

Acting Chairman.

Registered.

H O R 6348

COPY:

Muskogee, Indian Territory, July 17, 1903.

Carrie Searcy,

Gealgate, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Bays, et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(S)

T. B. Needles.
Commissioner in Charge.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Mr. Carrie Searcy
1877
Mrs. George Searcy, Jr.
Mrs. John H. Searcy, Jr.
Mrs. Rachel Searcy, Jr.
Mrs. Searcy, mother of
Henderson Searcy
Coleman Searcy (deceased)

Thomas Searcy, 19-

Claims for self &
son -

Stenographer H. G. Haines.

Carrie Searcy, et al.

DECISION RENDERED FEB 2 1903

RECEIVED FEB 2 1903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Oscar Hargest, et al., for
identification as Mississippi Choctaws, consolidating the applica-
tions of:

Oscar Hargest, et al., M.C.R. 6346
Henry Hargest, M.C.R. 6347

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of Oscar Hargest, et al., to the Daves Commission for identification as Mississippi Choctaws-----	1
Affidavit of Austin Holland-----	8
Affidavit of Allen Finellien-----	9
Original application of Henry Hargest, to the Daves Commission for identification as a Mississippi Choctaw-----	10
Decision of the Commission refusing the ap- plications in the consolidated case of Oscar Hargest, et al., for identification as Missis- sippi Choctaws-----	13

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 22, 1902.

In the matter of the application of Oscar Hargest for the identification of himself and his six minor children Luella, Leanna, Ether, Otha, Theophilus and Herman Hargest as Mississippi Choctaws.

Applicant represented by S. W. Isaac, Attorney at Law. Oscar Hargest being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Oscar Hargest.
Q What is your age? A Fifty.
Q What is your post office address? A Ewell Texas.
Q How long have you lived there? A In Texas.
Q Yes in Texas? A About forty years.
Q Where were you born? A Mississippi.
Q Where in Mississippi were you born? A Near Holly Springs.
Q How long did you live in Mississippi? A I don't know sir exactly.
Q From Mississippi did you go to the state of Texas? A Yes sir.
Q And lived there since? A Yes sir.
Q Is your father living? A No sir not as I know of.
Q Is your mother living? A No sir.
Q What was your father's name? A Larry.
Q That's all the name you know? A Yes sir - Larry Hargest.
Q What was your mother's name? A Tempie.
Q Tempie Hargest? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A Half.
Q Was your father a slave? A Yes sir.
Q Was your mother a slave? A No sir.
Q Were you a slave? A Yes sir.
Q You and your father were? A Yes sir.
Q How your mother was free was she? A Yes sir.
Q How do you know? A She was free.
Q I don't see what business you had being a slave if your mother wasn't a slave; didn't your mother take care of you?
A I was stolen.
Q From your mother? A Yes sir I think I was.
Q And your father was a slave was he? A Yes sir.
Q And he was a slave without being stolen. A Yes sir and my mother was stolen.
Q Your mother was stolen and made a slave was she? A Yes sir; she was a slave for a short time.
Q You and your father and mother then were at one time all slaves? A Yes sir.
Q How much Choctaw blood do you claim your mother had?
A Full.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lucindy

- Q Is she living? A Yes sir.
- Q Is she a negro or white woman? A She's negro.
- Q Do you make any claim for her? A No sir.
- Q Now give me the names of your children beginning with the oldest under twenty one years of age and unmarried? A Luella
- Q Are they all Hargests? A Yes sir.
- Q How old is Luella? A She's nineteen I think.
- Q Give me the name of the next? A Leanna.
- Q How old is Leanna.
- A She's sixteen.
- Q What is the name of the next? A Ether.
- Q Boy or girl? A Girl.
- Q How old is Ether? A Ten.
- Q The next? A Otha.
- Q Boy or girl? A Girl.
- Q How old is she? A Ether was twelve. Otha's ten.
- Q Now the next? A Theophilus.
- Q Is that a boy or girl? A Boy.
- Q How old is he? A He's nine.
- Q These are all your minor children unmarried and under age are they? A I got one more - a boy.
- Q Give me his name? A Herman.
- Q How old is Herman? A He's four years old.
- Q Luella is not married, is she? A No sir
- Q Nor Leanna? A No sir
- Q Is Lucindy Hargest the mother of these children? A Yes sir
- Q Are you the father? A Yes sir.
- Q Are you and your wife living together as husband and wife and are these children living with you at your home?
- A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory. A No sir.
- Q Did you ever make application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you appear before the Commission at this time to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A No sir ; not in full; no sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of this treaty was to remove as far as possible all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the new Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with

the other Indians under the treaty and in order therefor to protect the interests of those Indians who preferred to stay in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; the treaty was then signed and afterwards became ratified on the 24th day of February 1831; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article?
- A No sir.
- Q What is the name of your ancestor that you are claiming your right now through? A Through Chulahoma.
- Q Is that the first name; do you know the full name?
- A Chulahoma Mississippi.
- Q Is that a man's name? A No sir I don't know as it is.
- Q Is that the name of a place? A That's the tribe of which my mother was.
- Q I want you to give me the name of somebody - a person that you are descended from? A No sir; I don't know sir; I don't know any one.
- Q You claim through your mother Tempie? A Yes sir.
- Q What's her mother's name? A I don't know sir.
- Q What was her father's name? A I don't know sir.
- Q What was the name of your mother's grandfather and grandmother? A I don't know sir.
- Q Then you can't go back any further than your mother Tempie.
- A No sir I can't go any further back than my mother.
- Q What is this name Homa you gave me; is that the name of a place in Mississippi? A Yes sir.
- Q What did you mean when you gave the name of that place?
- A I meant to let you know that Chulahoma was the - you might say - as near as I could get it from my mother - was where we sprung from - right in there.
- Q And therefore the tribe was named Chulahoma? A As near as I can give you the relationship of my mother or my mother's mother or father.
- Q Were they Choctaw Indians - these Chulahoma people.
- A Yes sir.
- Q But you can't give your mother's father or your mother's mother's name? A No sir.
- Q Your mother's grandfather's or grandmother's name?
- A No sir.
- Q Can't go back further than your mother? A No sir.
- Q Did she live in Mississippi? A Yes sir;

- Q How old would she be if living now? A If living she would be about seventy years old.
- Q She was born then seventy years ago in Mississippi?
- A Yes sir.
- Q She was too young then was she to comply with article fourteen of the treaty of 1830; she wasn't living seventy two years ago? A I don't know sir.
- Q Well you ought to know; you say she's seventy years old; how could she have been living. A I was just thinking she would have been about between seventy and seventy five years of age.
- Q You want to change it do you? A Sir.
- Q You change your testimony every time you open your mouth; you said a while ago that your mother would be seventy years old if living now. Now you say between seventy and seventy five. A No sir I still stick to what I first said - seventy years.
- Q And you don't mean she would be between seventy and seventy five. A Yes sir I believe she would have been about that.
- To the attorney: Will you please take this witness - you are the attorney for the applicant, and find out what he means.
- By the attorney: What do you mean by saying she would be seventy
- A She was in the neighborhood of seventy or seventy five; I don't know exactly her age - seventy or seventy five or less.
- By the commission: You don't know.
- A I don't know.
- Q Just as well say eighty as seventy? A No sir I guess not.
- Q You don't know anything about it do you? A Nothing more than what she told me about her life.
- Q Do you know whether she would be seventy or seventy five or eighty years old.
- A I know she would be seventy.
- Q And not seventy five. A No sir she wouldn't be seventy five; she would be about seventy I reckon.
- Q Not seventy five? A No sir.
- Q Sure about that? A Yes sir seventy.
- Q Didn't you say a while ago, seventy or seventy five along in there somewhere? A Yes sir.
- Q Do you change that now? A Well I come back to seventy, what I first said.
- Q You drop the seventy five now do you? A Yes sir.
- Well the treaty of 1830 was made seventy two years ago; was your mother living seventy two years ago? A I don't know sir.
- Q Well she was a slave was she or do you want to change your mind on that statement? A No sir.
- Q Was she a slave? A Yes sir.
- Q You will stick to that will you? A Yes sir.
- Q A slave when she was born? A No sir.
- Q Was not? A No sir.
- Q How do you know? A I go by what she said.
- Q What did she tell you about that? A She was stolen.
- Q Did you always live with your mother? A Yes sir; until her death.
- Q Your father was a slave. A Yes sir.
- Q And you were? A Yes sir.
- Q And you were stolen and made a slave? A Yes sir when a baby.
- Q That's how you came to be a slave? A Yes sir.

- Q What was the name of the man that stole you and your mother
A I cant tell you.
- Q Never heard his name? A No sir; my mother said speculators got her and she was brought down to Memphis.
- Q Where did she live at that time? A In about Holly Springs.
- Q Speculators got her? A Yes sir.
- Q Have you any white blood at all? A No sir not as I know of.
- Q Haven't you any at all? A Not as I know of.
- Q Haven't you ever heard you had some white blood? A No sir.
- Q You are sure about that? A Yes sir.
- Q You were a slave then before the war? A Yes sir.
- Q And you became a slave by being stolen with your mother?
A Yes sir.
- Q How long were you a slave? A I was a slave about twelve years.
- Q And she about the same time? A Yes sir.
- Q Well then if your mother was born since the treaty of 1830 was made and if she was a slave she couldn't under any circumstances have complied with article fourteen of the treaty could she? I mean she couldn't have owned land herself could she? A No sir.
- Q Slaves couldn't own land could they? A No sir.
- Q And she couldn't? A No sir.
- Q Is that right? A Yes sir.
- Q Did you ever hear of Colonel William Ward the United States Indian agent? A No sir.
- Q Did any of your Choctaw ancestors go to him within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir not as I know of.
- Q Do you know whether any of your mother's ancestors - grandfather, grandmother or any of them were slaves? A No sir.
- Q You never heard? A No sir.
- Q Did any of them receive any land from the government as Choctaw Indians? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors received land in the old Choctaw Nation either in Mississippi or Alabama in 1830, lived on that land for five years and then got a patent of it from the government? A No sir.
- Q Did any of them go to the Choctaw Nation Indian Territory under the treaty of 1830 with the other Indians? A No sir not as I know of.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to stay and take land under article fourteen of that treaty to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a great many Choctaw Indians did this ~~when~~ ^{because} Colonel Ward neglected to put upon his list known as Ward's register and because of this neglect a good many Indians who had land in the old Choctaw Nation upon which they had improvements lost both their land and improvements; the government took both from them and sold them; a great many complaints were made on account of this conduct of the government and its agents,

so that in 1837 as well as in 1842 commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of eighteen hundred and thirty

- Q Do you know if any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed any benefits under article fourteen of that treaty? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which enabled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved thier rights under article fourteen and also proved that their land had been taken from them in the old Choctaw Nation and sold.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything more you want to say or any evidence you want to intraduce now? A No sir.

To Attorney: Any questions?

A Yes.

Examination by S. W. Isaac, Attorney for applicant:

- Q Did you state to the Commission whether you know your mother's parents or not? A No sir I dont know.
- Q What did you mean by given the Commission the name Chulahoma.
- A Well you might just say that is the only name that I know of that would get any ways near the tribe.
- Q Was it an Indian family of that name or a place in Mississippi by that name? A It's a place named that, in which the tribe lived that was called Chulahoma.
- Q What do you mean by tribe? A Indians.
- Q Choctaw Indians? A Yes sir.
- Q A family of the name of Chulahoma? A Yes sir.
- Q Your mother is supposed to be descended from that family?
- A Yes sir.
- Q You dont know anything about that? A No sir.
- Q She taught you that her people was Chulahoma? A Yes sir.
- Q When did your mother come from the state of Mississippi?
- A Just before the war.
- Q Do you remember your mother as a free woman? A Yes sir.
- Q You remember her when she was a slave? A Yes sir.
- Q And you say she and you were stolen into slavery? A Yes sir.
- Q Did you ever know your father? A No sir.
- Q Ever see him? A No sir.
- Q And you have no other blood than that of Indian and negre?
- A Indian and negre - yes sir.
- Q Could your mother speak the Choctaw language? A Yes sir.
- Q You can't? A No sir.
- Q Where did your mother die? A In Texas.
- Q Did she remain a slave until the emancipation proclamation?
- A Yes sir.

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This applicant has the physical appearance and character-

iation of being largely descended from the negro race or parentage; his features are somewhat thin; nose not broad; lips not very thick; color lighter than a full blood negro; indications are that there is some blood other than negro and he claims that his mother says it is Choctaw Indian blood; the Commission is unable to determine as to that fact. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830; states that he and his parents were slaves before the war.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 22nd day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 22nd day of October 1902.

Thos. H. Hopkin
Notary Public.

COPY.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Oscar Hargest, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Oscar Hargest, et al.,	H.C.R. 6346
Henry Hargest,	H.C.R. 6347

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Oscar Hargest for himself and his six minor children, Luella, Leanna, Ether, Otha, Theophilus and Herman Hargest; and by Henry Hargest for himself, under the following provision of the act of Congress approved June 28, 1906 (34 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Temple (or Tumpy) Hargest, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Temple (or Tumpy) Hargest signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 313).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Oscar Hargest, Luella Hargest, Leanna Hargest, Ether Hargest, Otha Hargest, Theophilus Hargest, Norman Hargest and Henry Hargest, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions

of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Birt

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory.

APR 10 1903

Miss. Choctaw 6346

Muskogee, Indian Territory, November 4, 1902.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 1, inclosing affidavits of Austin Holland and Alen Flewallen which you offer in support of the application of Oscar Hargett, et al. for identification as Mississippi Choctaws, and the same has been filed with the record in this case.

Respectfully,

Acting Chairman.

Markoe. D. I. Nov. 14, 1902.

Received of the

Commission to the Fair Copyright Library one copy
of M. C. R. Testimony 6346. "Oscar Hargrett" et al

J. W. Isaac

COPY.

Muskogee, Indian Territory, April 10, 1903.

Oscar Hargest,
Bwell, Texas.

Dear Sir:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Oscar Hargest, et al., embracing the following applications for identification as Mississippi Choctaws:

Oscar Hargest, et al.,
Henry Hargest,

M.C.R. 6346
M.C.R. 6347

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Oscar Hargest, Luella Hargest, Leanna Hargest, Ether Hargest, Otha Hargest, Theophilus Hargest, Herman Hargest and Henry Hargest, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said term the papers in the case shall be referred to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Jams Bixby.

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 10, 1903.

S. W. Isaac,
Attorney-at-Law,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Oscar Hargest, et al., embracing the following applications for identification as Mississippi Choctaws:

Oscar Hargest, et al.,	M.C.R. 6346
Henry Hargest,	M.C.R. 6347

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Oscar Hargest, Luella Hargest, Leanna Hargest, Ether Hargest, Otha Hargest, Theophilus Hargest, Herman Hargest and Henry Hargest, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised, that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Bixby.
Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 10, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Oscar Hargest, et al., embracing the following applications for identification as Mississippi Choctaws:

Oscar Hargest, et al.,
Henry Hargest,

M.C.R. 6346
M.C.R. 6347

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Oscar Hargest, Luella Hargest, Leanna Hargest, Ether Hargest, Otha Hargest, Theophilus Hargest, Herman Hargest and Henry Hargest, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be

-2-

forwarded to the Secretary of the Interior through the Commissioner
of Indian Affairs.

Respectfully,

SIGNED

Tame Birba
Chairman.

(1071)
Muskogee, Indian Territory, April 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Oscar Hargest, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 10, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Oscar Hargest, et al.,	M.C.R. 6346,
Henry Hargest,	M.C.R. 6347.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,
(Signed)

TANS BIXBY,

Chairman.

Through the
Commissioner of Indian Affairs.

2 enclosures U.C.R. 6346.

Copy

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
27845--1903.

May 14, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted, herewith the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Oscar Hargest, for the identification of himself and his six minor children, Luella, Leanna, Ethar, Otha, Theophilus and Herman Hargest; ^{the} also application of Henry Hargest, for the identification of himself, all as Mississippi Choctaws.

On April 10, 1903, the commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians, entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830.

An examination of the record evidence by the office shows that these applicants claim to have inherited their Choctaw blood and derived their right to identification through one Tempie Hargest, but neither said evidence nor an examination of

-2-

the records in this office show that the said Temple Hargest ever complied or attempted to comply with the 14th article of the treaty of 1830, or secured a patent for land thereunder. The evidence does show that some of these applicants and their ancestors were slaves.

By reason of the premises the office considers said decision of the Commission correct, and recommends that it be affirmed by the Department.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

F.C.B.)(M)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

WCF

RAF

D C 15250
ITD 4446-1903.
L R S

May 20, 1903.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen.

On April 27, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Oscar Hargest and his minor children, Luella, Leanna, Ether, Otha, Theophilus and Herman Hargest; and of Henry Hargest. By decision dated April 10, 1903, the Commission refused the applications.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Temple Hargest, mother of the principal applicant, it being alleged that she was a full blood Choctaw Indian and a resident of Mississippi in 1830. The applicants can not furnish any information concerning an ancestor more remote.

The evidence fails to show that Temple Hargest complied or attempted to comply with the provisions of article 14 of the treaty of 1830 or with the subsequent acts of Congress relating thereto.

-3-

The records of the Indian Office fail to show that any one by the name of Temple Hargest ever complied or attempted to comply with said article or acts.

The Acting Commissioner of Indian Affairs transmitted the papers May 14, and recommended that your decision be approved. A copy of his letter is inclosed herewith.

The Department having ^{carefully} reviewed the record, and finding no reason to modify your decision, hereby affirms the same.

Respectfully,

(Signed) THOS HYAN,
Acting Secretary.

1 inclosure.

COPY.

M.C.R. 6346

Muskogee, Indian Territory, July 11, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Oscar Hargest, et al., of which decision you were advised by mail on the 10th day of April, 1903.

Respectfully,

(S)

T. B. Needles.
Commissioner in Charge.

M.C.N. 6346.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Oscar Hargest,

Ewell, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Oscar Hargest, et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.O.R. 6346.

COPY.

Muskogee, Indian Territory, July 11, 1903.

S. H. Isaac

Attorney-at-Law

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Oscar Hargest, et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

ISSUED

T. B. Needles.

Commissioner in Charge.

ION. FREEDMEN ROLL.

FATHER

FATHER'S TRIBAL ENROLLMENT

YEAR

COUNTY

No.

FATHER'S OWNER

NAME OF MOTHER

REFER TO MIC. R. 6346

Oscar Hargett and

Consolidated Case

<p> <i>Temple Hargest, fl</i> <i>husb.</i> <i>Harry Hargest, slave</i> </p>	<p> <i>Oscar Hargest, 50 1/2</i> <i>wife</i> <i>Lucindy Hargest, neg</i> </p>
---	---

<p> <i>Henry Hargest 24 1/4</i> </p>
<p> <i>Luella Hargest 19</i> </p>
<p> <i>Leanna Hargest 16</i> </p>
<p> <i>Ether Hargest 12</i> </p>
<p> <i>Otha Hargest 10</i> </p>
<p> <i>Theophilus Hargest 7</i> </p>
<p> <i>Herman Hargest 4</i> </p>

No.

6546

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Oscar Hargett.

Age 50 - Blood 1/2

Post Office, Euell, Texas - -

Father: Larry Hargett, d

Mother Tempie " (full) d

Claims through mother

Wife, Lucindy Hargett, l. reg.

No claim for wife.

Children:

Luella Hargett, F 19

Leanna " F 16

Ether " F 12

Otha " F 10

Theophilus M 9

Herman " " 4

Claims for self
and 6 minors.

Stenographer

Clara Mitchell Wood

John Hargrave

DECISION RENDERED. APR 10 1903

ACTED
FOR
AND

STAW

THE L. H. T. M. C. R.

Choctaw MCR 6347

Henry Hargest

MCR 6347

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, October 22, 1902.

In the matter of the application of Henry Hargest
for identification as a Mississippi Choctaw.

Applicant represented by S. W. Isaac, Attorney at Law.

Henry Hargest being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Henry Hargest.
Q What is your age? A Twenty four.
Q What is your post office address? A Swell Texas.
Q How long have you lived there? A All my life.
Q Born in Texas. A Yes sir.
Q Your father is living is he? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Oscar Hargest.
Q What is your mother's name? A Lucindy Hargest.
Q Who do you claim through - your father or mother?
A Father.
Q How much Choctaw blood do you claim? A About one-fourth.
Q Has your father ever been recognized or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal author-
ities or by the United States authorities in the Indian
Territory? A Not as I know of.
Q Do you know when and where your father and mother were
married? A In Upshur County.
Q Mississippi? A No sir Upshur County Texas.
Q By a minister? A Yes sir.
Q Have you the proof of that marriage with you? A No sir.
Q Are you married? A No sir.
Q Have no children? A No sir.
Q You claim for yourself alone do you? A Sah?
Q You claim for yourself alone? A Yes sir just myself alone.
Q Is your name on any of the tribal rolls of the Choctaw
Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the
Choctaw Nation to the Choctaw tribal authorities in the
Indian Territory? A No sir I haven't.
Q Have you ever made application for such citizenship to the
Dawes Commission under the act of Congress of June 10, 1896?
A No sir.
Q Have you ever been admitted to citizenship in the Choctaw
Nation by either the Choctaw tribal authorities the Commis-
sion to the Five Civilized Tribes or the United States Court
for the Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself
as a Mississippi Choctaw claiming under article fourteen
of the treaty of eighteen and thirty?
A Yes sir.
Q Do you understand that article of that treaty? A No sir.

The treaty of eighteen and thirty was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dan oing Rabbit Creek on the 27th day of September of that year, eighteen and thirty; the object of the treaty was to secure the remove of the Choctaw Indians who lived in that old Nation east of the Mississippi river to the Choctaw Nation Indian Territory. After the treaty was made and before its signature by the representatives either of the United States or the Choctaw Nation it became known that a good many Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who preferred to remain in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; the treaty was then signed and later on became ratified with that article as a part of it. Article fourteen of that treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830. A Not as I know of.
- Q What is the name of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A My father Oscar Hargest.
- Q He claimed through his mother Tempie Hargest; she's your grandmother? A Yes sir.
- Q Do you claim through her? A I claim through my father.
- Q You claim through your father's mother do you not? A Yes sir.
- Q Tempie Hargest; how much Choctaw Indian was she? A She was a full Indian.
- Q Do you know whether she was a Choctaw or Creek?
- A Well no more than my father's statements - teaching me.
- Q What's that? A No more than what my father told me.
- Q What did he tell you? A He said she was a full Choctaw.
- Q Full blood Choctaw Indian? A Yes sir.
- Q Do you know how old she would be if she were living now?
- A No sir I don't.
- Q Do you know whether she was living in 1830 in Mississippi?
- A No sir I don't know.
- Q Did she live and die in Mississippi? A I don't know sir.
- Q Did she live in Mississippi at all? A Well I really don't know; I was told by my father that she did.

- Q And you understand from what he told you that she did live in Mississippi? A Yes sir.
- Q Now were you ever told by him that she lived there in 1830 and was the head of a family there at that time? A No sir.
- Q Never heard that she had a family of children in Mississippi in 1830? A No sir.
- Q Can't you tell whether she claimed through her father or mother? A Sah?
- Q Could you tell if she claimed through her father or mother? A No sir.
- Q You don't know? A No sir.
- Q Did she speak the Choctaw language? A Well my father said she could.
- Q Whatever you know about her or any other Choctaw ancestor of yours, you got from your father? A Yes sir; his statement.
- Q He has been before the Commission to-day has he not? A Yes sir.
- Q Do you want to refer to his testimony and have it made a part of your own? A Yes sir.

The case of Oscar Hargest et al., M.C.R. 6346 is here referred to, this case to be consolidated under that case.

- Q You have no other relatives have you who have been before the Commission? A No sir.
- Q Your father was a slave was he not before the war? A I dont know sir.
- Q He said so; you heard him say so didn't you? A Yes sir I believe I did.
- Q Well he was then wasn't he? A Yes sir.
- Q And was your mother Lucinda a slave before the war? A I cant say; dont know sir about that.
- Q Now do you know anything about whether your mother was a slave or not? A No sir.
- Q Do you know whether your grandfather Larry Hargest was a slave at any time? A I think he said he was.
- Q And Larry's wife Tempie your grandmother? A Yes for a short while.
- Q Do you know whether any of your Choctaw ancestors took land in Missis-ippi or Alabama and lived on it for five years and after that received a patent from the government? A No sir I dont.
- Q Never heard they got any land from the government at all? A No sir I never heard that.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi take land and become citizens of the states? A I don't know sir.
- Q Did any of them own or receive any land under article four-tenn of the treaty of 1830 in the old Choctaw Nation? A I don't know sir.
- Q Did any of them own any improvements on land in 1830 in that old Nation? A I dont know sir.
- Q Did any of them go from that old Nation to the Choctaw Nation Indian Territory between 1833 and 1838? A I dont know sir.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory under the treaty were required if they wanted to take advantage of

article fourteen of the treaty of 1830 to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; because of his neglect to do so a great many Indians who had land in the old Nation had both land and the improvements on it taken from them by the government and sold; so many complaints were made on this account that in 1837 as well as in 1842 by various acts of Congress commissions were appointed and these commissions went to Mississippi and heard claimants under article fourteen of that treaty of 1830.

- Q Do you know if any of your Choctaw ancestors appeared before either of these two commissions and claimed any benefits as Choctaw Indians under that article of that treaty? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which was issued under the act of Congress of August 23 1842 and which entitled the holder to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which the government had taken from them and sold? A I don't know sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any witnesses you want to call at this time?
- A No sir.

Examination by S. W. Isaac, Attorney for applicant.

- Q Did you know your grandmother's parents; have you ever got any impression as to who they were -- Temple Hargest?
- A No sir; no more than I sorter understood that it was the Chulahoma tribe.
- Q What is this Chulahoma tribe- was it a family of people?
- A Yes sir I think it was the family - or kind of Indians there.
- Q The family from whom she is supposed to have descended?
- A Yes sir as near as I understand it.
- Q How come you to think that. A Well hearing my father say that she was a Chulahoma Indian; I just lowed it was the family, being sorter taught that.

---0---

This applicant has the appearance and physical characteristics of being descended from negro parentage; his father is Oscar Hargest who claims one half Choctaw blood; he has just appeared before the Commission; his father is considerably lighter than this applicant, his son, and has thin features, thin lips; this applicant has broad nose, thick lips, features of a negro; also the color of a negro; whatever other strain he has except that of negro blood is greatly modified by his negro blood; he claims Choctaw blood; the Commission is unable to determine if he has any Indian blood and if so how much. He doesn't understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Thirty days time is allowed from the date hereof for the

introduction of additional testimony.

Examination by A. S. Isaac, Attorney for
applicant.

- Q What is the nationality of your mother - full blood negro
or mixed with any other race. A She's-really I dont know;
she's negro I think.
Q Full blood negro isn't she? A Yes sir.

Clara Mitchell Wood being first duly sworn upon her oath
states that as stenographer for the Commission to the Five
Civilized Tribes she reported in full all proceedings had in the
above entitled cause on the 22nd day of October 1902 and that
the above and foregoing is a full true and correct transcript
of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 23rd day of October
1902.

D. Kenton

Notary Public.

COPY.

Muskogee, Indian Territory, April 10, 1903.

Henry Hargest,
Ewell, Texas.

Dear Sir:

You are hereby advised that on the 10th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Oscar Hargest, et al., embracing the following applications for identification as Mississippi Choctaws:

Oscar Hargest, et al.,	M.C.R. 6346
Henry Hargest,	M.C.R. 6347

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Oscar Hargest, Luella Hargest, Leanna Hargest, Ether Hargest, Otha Hargest, Theophilus Hargest, Herman Hargest and Henry Hargest, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully

(SIGNED)

James Bixby.
Chairman.

Registered.

M.C.R.6347.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Henry Hargest,

Woolf, Texas.

Dear Sir:

You are hereby notified that on the 29th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Oscar Hargest, et al., of which decision you were advised by registered mail on the 10th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

6547

No

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name *Henry Hargest*

Age *24*

Blood

1/4

Post Office, *Ewell, Texas.*

Father: *Oscar Hargest.* *l*

Mother: *Lucindy* *"* *l.*

Claims through *father*

~~Signature~~

*Claims for self
done*

Photographer *One Master, Ewell*

Henry Hargest.

DECISION RENDERED. APR 10 1903

W. C. R.

Choctaw MCR 6348

Olivia M. Lee

MCR 6348

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. OCTOBER 23, 1902.

6348

In the matter of the application of Olivia P. Lee, a white woman, for the identification of her minor children, Olivia M., Caleb W., Fred D. and Sarah M. Lee, as Mississippi Choctaws.

W.H.Redline, attorney for applicant; no appearance by attorney-

Olivia P. Lee being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Olivia P. Lee.
Q You are a white woman are you? A Yes sir.
Q Your husband was a Choctaw Indian by blood? A Yes sir.
Q Do you come before the Commission today to make application for minor children, his children and yours? A Yes sir.
Q What is your age? A Forty five.
Q What is your post office address? A Lacey, Mississippi.
Q Is that also the post office address of these minor children?
A Yes sir.
Q How much Choctaw blood do you claim for your children? A One thirty second.
Q Do you claim their father was a sixteenth? A Yes sir.
Q Give me the names now of these minor children? A Olivia M. Lee, sixteen; Caleb W. Lee, nine; Fred D. Lee, seven; Sarah M. Lee, three
Q You make application for these four minor children? A Yes sir.
Q What is the name of the father of these children? A James D. Lee
Q Is he living? A No sir.
Q When did he die? A Fifth of last March one year ago.
Q Where did he die? A In New Orleans.
Q These children these names you have given are your children by this husband, James D. Lee? A Yes sir
Q Have you any other children besides these? A No sir.
Q Do you know whether your husband, James D. Lee has ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know; I knew he never did enroll.
Q He never lived in the Indian Territory? A No sir.
Q Then he could not have been enrolled in the Indian Territory? A No sir

Q When and where were you married to your husband? A Near Butler County seat in Choctaw County, Alabama.

Q Is this the certified copy of your marriage license and certificate? A Yes sir.

Q Do you want to file it? A Yes sir.

the certified copy of the marriage license and certificate of the marriage of James D. Lee and Olivia P. Young presented by this applicant, received, filed and made a part of the records of this application which she makes for her minor children.

Q You make no claim for yourself do you? A No sir.

Q This claim is wholly for these four minor children? A Yessir.

Q Do you know whether these children have ever been enrolled as members of the Choctaw tribe of by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir; they never have been.

Q Has any application ever been made for them for membership in the Choctaw Nation either to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No sir; they tried to be---

Q No proper effort has ever been made before has there? A No sir.

Q Do you refer to the time when your husband's brother came before the Commission? A Yes sir.

Q What was his name? A Zach Lee.

Q He has been before the Commission and made application to be identified as a Mississippi Choctaw? A Yessir.

Q He was the uncle of these minor children? A Yes sir.

Q And the brother of your deceased husband, James D. Lee? A Yes, there was only two boys in that family.

Q Do you know whether these minor children have ever been enrolled as members of the Choctaw tribe by any authority whatever? A They have not.

Q Is this the first application that has ever been made for them for citizenship in the Choctaw Nation to any authority? A It is.

Q Do you now come before the Commission for the purpose of identifying them as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I do.

Q Do you understand that article? A No sir.

Q Do you understand what a treaty is? A Well, its a contract.

Q Well, you knew that a treaty is an agreement in writing which is made between two or more nations? A Yes sir.

Q An agreement of that sort is called a treaty; now one of the subdivisions of that treaty or one of its sections is called an article. A Yes sir.

A treaty usually has a number of articles from one up to as many different subjects as may be treated of under the treaty itself and such a treaty was made between the United States and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; before this treaty was signed it became known to all the parties interested that a large number of the Choctaw tribe would refuse to go to the Choctaw Nation, Indian Territory, under the general provisions of the treaty and in order to protect the interests of these Indians who preferred to stay back in the old Choctaw Nation article 14 was put into the treaty; this article as I stated before was one of the

subdivisions or sections of the treaty; new article fourteen is the article under which you have a right to make this application for these minor children today, and that article is as follows: "Each Chectaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a section of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Chectaw citizen but if they ever remove are not to be entitled to any portion of the Chectaw annuity."

Q Do you know if any of your Chectaw ancestors complied or attempted to comply in any way with article fourteen of that treaty? A Mary Frances Walker is where they get their Chectaw blood from; she was a half breed.

Q Did she marry John Walker? A Yes sir.

Q And he was a white man? A Yes sir.

Q And he was --? A The great great grandfather of these children.

Q And she was the great great grandmother? A Yes sir.

Q Now do you know whether Mary Frances Walker who you claim was a half breed Chectaw Indian complied or attempted to comply in any way with article fourteen of the treaty of 1830 or did any one for her?

A I have heard that John Walker did.

Q For his wife, Mary? A Yes sir.

Q Now what proof have you that Mary Frances Walker through her husband John Walker went to the United States Indian agent Col. Ward within six months from the ratification of the treaty of 1830 and told him that she wanted to stay in Mississippi, take land there and become a citizen of the States? A I don't know as I have any; only just through their word for it.

Q That's what you have heard in the family? A Yes sir.

Q Did you ever hear that John Walker for his wife, Mary F. Walker own any land in the old Chectaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir; I never heard them speak.

Q You don't recollect hearing them speak about it? A No sir; I heard that he applied for something like that.

Q Who did you hear he applied to? A I don't know who.

Q Did you ever hear of Col. Wm. Ward? A No sir.

Q He was the United States Indian agent who lived in Mississippi in 1830 and who received the applications of Chectaw Indians who wanted to avail themselves of article fourteen of that treaty; you never heard that any of the ancestors of these children went to him? A No sir.

Q Did any of the Chectaw ancestors of these children receive land from the Government in Mississippi or Alabama in the old Chectaw Nation, live on it for five years and then receive a patent to it from the Government? A I never heard.

Q Did any of the ancestors of these children, John Walker or Mary Frances Walker or anybody else go from that old Chectaw Nation to

the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838 or 1840 or any other time? A I don't know.

Q Did you ever hear that the name of John Walker or Mary Frances appeared on any list made by the Government officials as beneficiaries under article fourteen of the treaty of 1830? A I think I have of Mr. Walker.

Q Did John Walker and Mary Frances Walker live in the State of Mississippi or Alabama in the old Choctaw Nation in 1830? A They lived in Alabama-- I never did hear.

Q Do you know whether John Walker in behalf of Mary Frances Walker or she for herself or any other Choctaw ancestors of these children were heads of families in Mississippi in 1830? A I don't know.

Q Now did you say that you never heard that John Walker or his wife received any land from the Government in Alabama? A I never heard anything about that.

Q You never heard about the Walker homestead? A No sir I never heard the family speak of it.

Q Never heard whether they had any land in Sumpter County, Alabama, or not? A I never heard anything about that.

Q Nor near the Tombigbee River? A It seems like I remember something about it; old man Weedall lives in Sumpter County

Q Never heard about any patent having been received or a deed from the Government by the ancestors of these children? A No sir.

Q Did I understand you to say that you had heard that the name of John Walker appears upon some list of beneficiaries under article fourteen of the treaty of 1830? A Yes, I have heard it.

Q Could you tell upon what list his name did appear? A No sir.

On page 18 Vol. 1 of the records of the Court of Claims in the cases of the Choctaw Nation of Indians vs. The United States, No. 12742, appears a list or register of Choctaws who signified within six months from the 24th day of February, 1831, the date of the treaty of Dancing Rabbit Creek was ratified their intention to remain in Mississippi and become citizens of the States and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker who appears to have been a white man with an Indian wife and who had four children over ten years of age at the time the treaty was made and three children under ten years of age.

Q Now do you know anything about that John Walker described in that list? A No sir.

Q Do you know whether this is the ancestor of these children or not? A I have heard it was; I have heard it from my husband before I heard there was any Indian blood in them. I have heard that a John Walker was my husband's grandfather; I knew my husband claimed him.

Q Are you ready to swear that the ancestor of your children is the same John Walker whose name appears on page 18 of Vol. 1 of the records of Court Claims, No. 12742? A Well, I suppose he was.

Q I don't want you to suppose; you have got to know. A I have heard he was.

Q You are under oath to tell the absolute truth--A Well suppose you don't know?

Q Well, say so then. A I don't know which one it was whether it was this one or not; I knew he claimed a grandfather named John Walker, but I don't know it was him.

Q. Then as far as your knowledge goes you are unable to state that the John Walker whose name appears upon that list who had 7 children at that time and who was a beneficiary under article fourteen was the same John Walker who is the ancestor of your minor children? A. No sir.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen to go to the United States Indian agent Col. Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a great many Choctaw Indians did this whose names Col. Ward neglected to put upon his list known as Ward's Register; because of his neglect a great many Choctaw Indians who had lands in that old Choctaw Nation upon which they had improvements had both taken from them and sold by the Government at Public Land Sale; this caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3, that year appointed a Commission and in 1842 Congress appointed another Commission for the same purpose- that is to go to Mississippi and hear claimants under article fourteen of the treaty; this they did. This Commission of 1842 was appointed under act approved August 23,

Q. Do you know whether any of the Choctaw ancestors of your children John Walker for his wife or Mary Frances Walker for herself or any other went before either of these two Commissions and claimed any benefits as Choctaws? A. I don't know.

Q. Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A. I don't know.

Q. This scrip was issued under an act of Congress approved August 23, 1842 and was given to these Choctaw Indians who proved their rights under article fourteen and also proved that their lands had been taken from them in the old Choctaw Nation. Do these children speak the Choctaw language? A. No sir.

Q. Who is Alberta W. Gaines; how related to your children? A. I don't know; I have heard that she was their grandmother's cousin; their grandmother says so.

Q. Who is William A. Woodall? A. He is my mother-in-law's brother.

Q. Is he the uncle of your children? A. Yes, the great uncle.

Q. His mother's name was Mary, was it? A. Yes sir, Mary Woodall.

Q. One of the children of William A. was William D. Woodall was it?

A. I don't know I always heard it was William Woodall, that is all; I never heard his full initials until this morning; I have never been thrown with Mr. Woodall; he is my husband's own uncle.

Q. Well, you claim for the children through the same ancestors that William A. Woodall does? A. Yes sir.

Q. And through the same ancestor that Alberta W. Gaines claims? A. Yes sir.

Q. Do you want to have this application considered under the applications of Alberta W. Gaines? A. Yes sir.

The case of Alberta W. Gaines et al., M.C.R. 4639 is here referred to for the purpose of consolidation.

Q. Is there anything further you would like to state now in support of this claim-- anything more you can think of you want to say?

A. I don't know.

Q How does your eldest daughter appear; is she dark or light?
A She's dark; she would be good proof---
Q What color are her eyes? A Dark brown eyes, dark black hair and dark colored skin;-- Galeb is a little lighter than my daughter. He has dark brown eyes and dark brown hair.
Q What is the color of Fred--? A Same as Galeb; brown eyes.
Q What is Sarah's complexion? A It is the same as the others; she is fairer than the others.
Q You have brown eyes yourself, haven't you? A Yes sir.
Q Is Sarah's hair brown? A Yes, it is lighter than the boys but it will get darker.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on October 23, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 24 day of October, 1902.

Charles H. Sawyer

Notary Public.

COPY.

COMMISSIONERS
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 8348.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Olivia P. Lee,

Lacey, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hugin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R. 6179
James F. Shamburger,	" 6180
Elberta E. Buntyn,	" 6181
Irene Buntyn,	" 6182
Zachariah W. Lee, et al.,	" 6177
Cora E. Ezell, et al.,	" 6178
Julia F. Brunson,	" 6168
Thomas K. Brunson,	" 6170
Annie K. Thompson,	" 6174
Mollie K. Cook, et al.,	" 6173
Julia Estelle Garrison, et al.,	" 6171
Catherine E. Brown, et al.,	" 6172
Florence Eugenia Garrison, et al.,	" 6169
Robert E. Lee, et al.,	" 6183
Caleb W. Lee,	" 6184
Ann B. Smith, et al.,	" 6276
Susan A. Lucas, et al.,	" 6277
Mary Alice Dooly, et al.,	" 6278
William E. Smith, et al.,	" 6275
Emma L. Long, et al.,	" 6279
Ora N. Scott,	" 6280
Olivia M. Lee, et al.,	" 6342
Robert W. Ezell,	" 6349
William S. Ryan, et al.,	" 6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Oran Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odeha Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED),

Tame Dixby.
Chairman.

Register.

MCR-6348.

Muskogee, Indian Territory, March 16, 1907.

Olivia M. Lee,
Lacey, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Olivia P. Lee (white)*
 for 4 minors -
 Age 45 Blood white

Post Office, Lacey, Miss.

of children

Father:

James H. Lee. 1/16 d.

of children

Mother:

Olivia P. Lee (white) 1

children

Claims through their father.

Children:

Olivia M. Lee. 1/32 16

Caleb W. " " 9

Fred H. D. " " 7

Sarah M. " " 3

*Claims for 4
 minor children -*

Stenographer *H. G. Hains.*

Olin M. Lee et al

REFUSED

ACTION APPROVED

MAR 4 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APR 11 1907

MAR 15 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHICAGO

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHICAGO
AND CHICAGO

Choctaw MCR 6349

Robert W. Ezell

MCR 6349

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. October 23, 1902.

6349

In the matter of the application of Robert W. Ezell for identification as a Mississippi Chectaw.

V.H.Redwine, attorney for applicant; no appearance by attorney.

Robert W. Ezell being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A Robert W. Ezell.
Q Are you married? A No sir.
Q Do you claim through the same source as Alberta W. Gaines? A Yes sir.
Q What is your age? A Twenty one.
Q What is your post office address? A Lacey Mississippi.
Q How long have you lived in Lacey, Mississippi?
Q How long have you lived in Lacey, Mississippi? A Bout 6 years.
Q Where did you live before that? A Alabama; I was born in Chectaw County, Alabama.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John V. Ezell.
Q What is your mother's name? A Gera E. Ezell.
Q Through which parent do you claim Chectaw blood? A My mother.
Q How much Chectaw blood do you claim? A A thirty second.

- Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A She has never lived in the Indian Territory.
- Q She has never been enrolled has she? A No, except unless in this same case; she has not been enrolled.
- Q Are you claiming for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authority the Commission to the Five Civilized tribes or the United States Court in Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q But you don't understand it very well? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek; on the 27th day of September 1830. The object of the treaty was to secure the removal of all the Choctaw Indians from the old Choctaw nation East of the Mississippi River to the Choctaw Nation, Indian Territory; of course these Indians could not be removed without their consent and this consent was obtained when they signed this treaty: but a good many Indians refused to go to the Choctaw nation, Indian Territory under the treaty and in order to protect their interests before the treaty was signed it became known to be necessary to put something into it; and article fourteen was put into the treaty and then signed and afterwards ratified; article fourteen is the only part of the treaty of 1830 which gives you any right to come before the Commission at this time and make this application. It is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent, If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No sir, I don't.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mary Frances Walker.

Q Was she a Choctaw Indian? A Yes that's what they claim.

Q How much Choctaw blood did she claim? A A half I think.

Q What was her husband's name? A John Walker.

Q A White man? A Yes, claimed to be.

Q Now, who made the claim-- John Walker for his wife, or Mary Frances for herself? A I don't know.

Q Do you know whether either of them lived in Mississippi or Alabama? A They claimed to live in Alabama.

Q In the old Choctaw Nation? A Yes sir.

Q Do you know whether they had children living there when the treaty was made? A No sir, I don't know.

Q Do you know how many children they had? A No sir.

Q Do you know how old Mary Frances Walker would be if living now? A No sir.

Q Do you know whether John Walker in behalf of his wife or whether Mary Frances Walker for herself received any land in Mississippi or Alabama in the old Choctaw Nation; lived upon it for five years and then received a patent to it from the Government? A Well, they owned land in Alabama.

Q Did they get a patent for it? A Well, I don't know.

Q Did they get land from the Government? A I don't know.

Q Do you know whether they owned any land there in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know; they owned land in Choctaw County.

Q Do you know whether they got it from the Government or paid for it? A I don't know.

Q Who owned it- John Walker or Mary Frances? A I don't know.

Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

Q Did any of them go at any time to the Choctaw Nation from the old Choctaw Nation? A I don't know.

Q Did you ever hear that either John Walker for his wife, or Mary Frances Walker for herself owned any improvements on land in Alabama in 1830? A No sir.

Q Did you ever hear that the name of one John Walker appeared upon any list made by the Government official as a beneficiary under article fourteen of the treaty of 1830? A No sir.

Q You never heard of Col. Ward's registry list? A No sir.

Q Or the name of John Walker upon it or any other list? A No sir.

Q Then so far as you know there is no tradition in your family among your relatives going back as far as you can, showing that John Walker or Mary Frances Walker complied with the provisions of article fourteen of the treaty of 1830? A I have heard they did.

Q Well, what do you mean by that? You say that you heard somebody did comply with article fourteen? In what way? Tell all that you know from what you have heard.

A I just heard my grandmother say that he did comply with article fourteen.

Q What was your grandmother's name? A Martha Lee.

Q What she complied? A John Walker.

Q What relation as John Walker to Martha Lee your grandmother?
A Great grandfather.
Q What relation was John Walker to you? A Great great grandfather.
Q And Mary Frances Walker your great great grandmother? A Yes sir.
Q You say they lived in Alabama in 1830 and had children living there then? A Yes sir.
Q In the old Choctaw nation? A Yes sir.
Q Did you hear that the name of John Walker appeared upon any registry list made by Col. Ward? A No sir.
Q But you did hear that he complied with article fourteen? A Yes sir.
Q Well, now, what did he do? A I don't know sir.
Q Well, to comply with article fourteen, what would he have to do as well as you can explain it? A I don't know.
Q Then what do you mean by saying that he complied with article fourteen of the treaty of 1830? A Well, I just heard them say he did.
Q My grandmother I heard say that.
Q When she was an old lady? A Yes, she is old now.
Q She has been before the Commission? A Yes sir.
Q When she has made application to be identified as a Mississippi Choctaw? A Yes sir.
Q Well, if any of your ancestors complied with article fourteen it would be necessary that they went within six months after the treaty of 1830 to the United States Indian agent, Col. Ward and told him that they wanted to stay there, become citizens of the States and take land there; now do you know whether they did that or not?
A No sir, I don't.
Q You don't know anything further except that you simply heard her say that they complied? A That's all.
Q But what was done in order to comply you cannot tell? A No sir.

(On page 18 Volume 1 of the records of Court Claims in the cases of the Choctaw Nation of Indians vs. the United States, No. 12742, appears a list or register of Choctaws who signified within six months from the 24th day of February, 1831-- the day the treaty was ratified--- their intention to remain in Mississippi and become citizens of the States and take land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek; in said list appears the name of one John Walker, who appears to have been a white man with an Indian wife, and who had four children over ten years of age at the time the treaty was made and three children under ten years of age. The records in the possession of the Commission do not disclose the names of these seven children; it does appear however from the records in the possession of the Commission that John Walker received for members of his family certain sections of land, namely, 3-3/4 sections under article fourteen of the treaty of Dancing Rabbit Creek.)

Q How do you know whether this John Walker so described is the identical John Walker you claim to have been your ancestor; have you any knowledge of any kind that will enable you to positively connect this person described in this list as John Walker and your ancestor John Walker? A No sir.
Q You have testified to all you know in reference to his having complied with article fourteen? A Yes sir.

The Choctaw Indians who remained in the old Choctaw nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory with the other Indians under the treaty was required if they wanted to take advantage of the fourteenth article of the treaty to go to the United States Indian agent, Col. Ward, within six months after the ratification of the treaty and tell him what they wanted to stay in Mississippi, take land there and become citizens of the States; a great many Indians did this whose names Col. Ward neglected to put upon his list known as "Ward's Register". His negligence in this respect caused many of the Indians who had land in Mississippi upon which they had improvements to lose both--they were both taken from them by the Government and sold at Public Land Sale. This caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3, that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty; in 1842 another Commission was appointed by act approved August 23, that year, for the same purpose; this Commission also went to Mississippi and heard claims under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under that article? A No sir.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act approved August 23, 1842 and was issued to those Choctaw Indians who proved their rights under article fourteen and also proved that their land in the old Choctaw Nation had been taken from them and sold by the Government.

Q Do you speak Choctaw? A No sir.

Q Is there any other evidence you want to present now? A No sir.

Q Is there anything further you want to say in support of this claim? A No sir.

Q What relation is Alberta W. Gaines to you? A I don't know.

Q Is she related to you at all? A I think so.

Q What relation are you to John D. Lee? A He is my uncle.

Q William A. Woodall--? A My great uncle.

Q And he has been before the Commission, has he not, claiming through the same ancestor through whom you claim now? A Yes sir.

Q And all these claimants who claim through the same common ancestor John Walker and his wife, Mary Frances Walker, come under the head of the case of Alberta W. Gaines? A Yes sir.

Q Do you want to have your case also considered under that head?

A Yes sir.

(The case of Alberta W. Gaines et al.? M.C.R. 4639, is here referred to for the purpose of consolidation.)

Q Do you remember the name of William A. Woodall's father and mother? A No sir.

Q Ever hear of the name of Little Woodall? A No sir.

Q Do you know who Mary G. Walker was; did she marry Little G. Woodall?

A I heard them say she did.

Q Do you know what the names of any of the children were? A No sir.
Q Who is Cera G. Lee who married J.W. Hall? A That's my mother.
Q Well, she was the daughter of whom? A William H. Lee.
Q William H. Lee married whom? A Martha H. Woodall.
Q And she is the daughter of Mary G. and Little Woodall? A They
told me so.
Q Now you have testified as far back as Mary G. Walker who married
Little Woodall; now do you know the name of the father of Mary G.
Walker-- was it John Walker, your common ancestor? A Yes sir.
Q Now it has been testified by some who have been before the Com-
mission claiming through John Walker, that he married a woman named
Frances Elizabeth Chambliss; do you know anything of that name?
A Yes, I have heard of it.
Q Is that the same as Mary Frances Walker, or did John Walker have
two wives? A I don't know.
Q You are quite sure that the John Walker you are descended from
married Mary Frances Walker, a half blood Choctaw? A They told me
so.
Q Mary Frances Walker and Frances Elizabeth Chambliss are two
names; do you consider them the same person? A I don't know.

This applicant has the appearance of being descended from white par-
tillage; brown hair, brown eyes, medium dark complexion; he does not
speak or understand the Choctaw language and has no knowledge of the
compliance on the part of any of his ancestors with the provisions
of article fourteen of the treaty of 1830.

-6- 0-

Henry G. Hains being sworn on his oath states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
the proceedings had in the above entitled cause on October 23, 1902,
and that the above and foregoing is a full, true and correct trans-
cript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 24th day of October, 1902.

Charles H. Hains

Notary Public.

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6349.

ALLISON L. AYLESWORTH,
SECRETARY

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Robert V. Esell,

Lacey, Mississippi.

Dear Sir:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooly, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogan, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Dellert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace I. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Effie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooly, Clarence A. Dooly, Roy C. Dooly, William B. Dooly, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED).

Tamc Dixby.
Chairman.

Register.

MCR-6349.

Muskogee, Indian Territory, March 16, 1907.

Robert W. Howell,
Lacey, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 16, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

No. —

6519

For Identification as a Mississippi Choctaw.

Date

OCT 22

Name Robert W. Ezell.

Age 21.

Blood

1/32

Post Office, Lacey, Miss.

Father: ~~John~~ John W. Ezell. l.

Mother: Cora E. " l.

Claims through mother

~~Children:~~

Claims for self
alone.

Stenographer H. G. Hains.

Robert M. [illegible]

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR - 4 1901

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

MAY 1901

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

Choctaw MCR 6350

George R. Pendleton

MCR 6350

Department of the Interior.
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, October 25, 1902.

In the matter of the application of George R. Pendleton
for the identification of himself and his minor child
George A. Pendleton, as Mississippi Choctaws.

Applicant represented by J. G. Halla (Not present) Attorney
at Law.

George R. Pendleton being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A George R. Pendleton.
Q What is your age? A Twenty-nine.
Q What is your post office address? A 2119 East Ninth Street,
Los Angeles, California.
Q How long have you lived there? A Two years.
Q Where were you born? A Born in Boney.
Q What state? A State of California.
Q You were born in the state of California and always lived
there? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A William H. Pendleton.
Q What is your mother's name? A Sarah Conelia Pendleton.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One thirty-second.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw
tribal authorities or by the United States authorities in
the Indian Territory? A I don't know.
Q She never lived in the Indian Territory did she at all?
A No sir.
Q Never has been recognized or enrolled by the Indians.
A No sir I reckon not.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lucella.
Q She is living now? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for? A One.
Q What is the name of that child? A George Arthur.
Q How old is he? A Five years old.
Q Do you claim for yourself and child? A Yes sir.
Q Is Lucella Pendleton the mother of George? A Yes sir.
Q Are you and your wife living together as husband and wife and
is this child living with you at your home? A Yes sir.
Q Were either you or your wife married before you married
each other? A No sir.
Q Have you the proof of the marriage with you? A No sir.
Q Do you remember when and where you were married to your
wife, Lucella? A I was married at Covina.
Q What state? A State of California.
Q How the date of the month and year if you remember?

- A It was the 24th day of May seven years ago.
- Q Were you married by a minister under a license? A Yes sir.
- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory.
- A Not that I know of.
- Q Have you ever made application for yourself and son for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896.
- A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and this child as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you know that article; are you acquainted with the provisions of it? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of the treaty was to remove the Choctaw Indians who lived at that time in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the general provisions of the treaty and in order to protect the interests of these Indians who preferred to stay back in the old Choctaw Nation, article fourteen was drafted and put into the treaty of 1830; an article in a treaty is one of its subdivisions or sections; article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty Acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty; I mean by that did any of your ancestors going back in a direct line as far as 1830 --

- did any of them comply with article fourteen of the treaty of 1830. A Yes sir; this George Tubbs did.
- Q How do you spell his name? A T-u-b-b-s, I believe.
- Q T-u-b-b-s? A T-u-b-b, I guess.
- Q What relation was George Tubb to you? A He was my great great grandfather.
- Q Now how much Choctaw blood did he have if any? A One half.
- Q Well now were there not two George Tubbs? A No, not that I know of.
- Q What was the name of the wife of this George Tubb you claim through? A I'm sure I don't know her name.
- Q You don't know whether there were two George Tubbs or not do you? A Why, no I do not.
- Q You don't know the name of the wife of the George Tubb you claim through? A No sir.
- Q Did you ever hear that there were two George Tubbs and that one of them was a white man who married a full blood Indian woman? A Yes sir.
- Q A white man? A O, no; I never heard of two; I've heard of one going by a white name and one going by an Indian name, but it was the same man.
- Q What was his name? A George Patubb.
- Q Well this George Tubb whom you say is your great great grandfather and who had one half Choctaw Indian blood lived where in 1830 - that was when the treaty of 1830 was made? A Well sir I can't answer that.
- Q Do you know whether any of your Choctaw ancestors George Tubb or any other lived in the old Choctaw nation either in Mississippi or Alabama in 1830 and had a family of children there then; in other words was the head of a family there then? A No sir.
- Q Is there nothing in your family history that you have ever heard that any Choctaw ancestor of yours lived in that old Choctaw Nation east of the Mississippi river. A Well I've heard, but come right down for me to say just where it was, I can't do it.
- Q You have heard that George Tubb lived where in 1830? A Well now to come right down to saying positively I can't say.
- Q Do you know if any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 went to the United States Indian agent Colonel Ward and told him they wanted to stay in Mississippi take land there and become citizens of the states? A No sir I don't know.
- Q You never heard that? A No sir.
- Q Do you know whether any of your Choctaw ancestors lived in the old Choctaw Nation either in Mississippi or Alabama for five years upon land which they had received from the government as Choctaw Indians and at the end of that time received a patent of that land from the government?
- A This George Tubb did that.
- Q Are you sure about that? A Well, I'm not sure; all I know is what I've heard about it.
- Q Have you heard that he lived on land five years which he received from the government and then got a patent or a deed from the government for it; of course if you have heard so you can testify so. A Well I've heard so. Of course when it comes down to knowing, I don't know it.
- Q Who did you ever hear say so. A Well different relations I've heard relations of mine say it and I've heard uncles say so.
- Q Can you give the names of anybody you have heard say that? I would like to know if you have ever heard that from if you

- can recollect. A I don't know.
- Q Do you know whether any of your Choctaw ancestors owned any land or claimed any land in Mississippi or Alabama in what is known as the old Choctaw Nation under article fourteen of the treaty of 1830? A This George Tubb -- he owned land. Did he get it from the government? A I think he did.
- Q Do you know? A No I don't know.
- Q What makes you think he did? A I've heard that he did.
- Q From whom. A Well I've heard an uncle I have say so.
- Q What's his name? A His name is Reynolds.
- Q Has he made application here before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q When did he make application -- do you know? A About four weeks ago I guess.
- Q What is his full name? A Caswell Reynolds.
- Q What's his post office address? A Mines California.
- Q Did you ever hear anybody else say so? A No sir.
- Q Did you ever hear that the name of George Tubb was upon any list made by the officers of the government as a beneficiary under article fourteen of the treaty of 1830? A Yes sir, I've heard it.
- Q When did you hear that? A I've heard that different places; I've heard several speak of that.
- Q Well name us many as you can who have stated that? A I've heard my brother -- his name is Louis Pendleton.
- Q Has he been before the Commission to be identified?
- A Yes sir.
- Q What's his address? A 2010 Hunter Street Los Angeles California.
- Q How do you know the names of any others who have stated that?
- A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1832 and 1838 or '40? A I don't know.
- Q Do you know where this land was located, either in Mississippi or Alabama in the old Choctaw Nation that you say George Tubb had? A No sir I don't know.
- Q Do you know what became of the land? A No sir.
- Q How much there was of it? A No sir.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians under the treaty were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi, take land and become citizens of the states; and as many Indians did this whose names Colonel Ward the United States Indian agent neglected to put upon his list known as Ward's register and because of his neglect to do so a great many Indians who had land in Mississippi upon which they had improvements and also in Alabama in the old Choctaw Nation, had both their land and their improvements taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that on account of the complaints, in 1837 by an act of Congress, approved March 3 of that year a Commission was appointed

which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 by an act of Congress approved August 23 of that year another commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of those two Commissions and made any claims under that article of that treaty? A No sir.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Alabama. A I don't know.

This scrip was issued under an act of Congress approved August 23 1842 and was given to these Choctaw Indians who proved first their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any documentary or any other evidence you want to present at this time? A No sir.
- Q Is there any thing further that you think of that you would like to say in support of this application? A No sir.
- Q What relation is Lafayette Ikard to you? A He's my third cousin.
- Q He claims through the same common ancestor does he not through whom you claim? A Yes sir.
- Q Through George Tubb? A Yes sir.
- Q Would you like to have your case consolidated under that case of Lafayette E. Ikard et al. A Yes sir.

The case of Lafayette E. Ikard et al H.C.R. 742 referred to for the purpose of consolidation.

---Q---

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair; light complexion; blue eyes; sandy mustache; has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830, further than the tradition that his great great grandfather George Tubb received land in the old Choctaw Nation from the government.

---Q---

Milton Ikard being first duly sworn, testified as a witness in the application of George R. Pendleton, et al., for identification as Mississippi Choctaws as follows:

Examination by the Commission:

- Q What is your full name? A Milton Ikard.
- Q What is your post office address, Mr. Ikard? A Ardmore, I. T. Chickasaw Nation.

- Q What is your age? A Fifty two.
- Q You have made application to be identified as a Mississippi Choctaw have you not before this date? A Yes sir.
- Q What is your occupation? A I'm a stock farmer.
- Q And have lived in the Indian Territory how long? A Ten years this last June.
- Q Are you related to George H. Pendleton? A Yes sir.
- Q What relation is he to you? A Third cousin.
- Q He has made application today to be identified as a Mississippi Choctaw claiming through George Tubb; I would like to have you explain if you will, whether or not there were two George Tubbs? A Yes sir.
- Q Was one the son of the other? A No sir.
- Q Not the son of the other? What relation was one George Tubb to the other? A I understand-- this is hearsay -- I've always understood that they were cousins.
- Q In the genealogical list which has been made and filed with the testimony of Lafayette E. Ikard, et al., the name of George Tubb (White) appears, and a statement that he married a full blood Indian and then the name of George Tubb, Jr., is given as his son, a man who married Elizabeth Floyd, a white woman? A That's correct.
- Q You said they were cousins; this shows that one was the son of the other.
- A If you will allow me to explain--
- Q Yes sir.
- A There were two George Tubbs and they were designated by the kinspeople you understand as Big George and Little George Tubb -- Big George is the one we claim under; Little George as I understand it has no Indian blood.
- Q Did he marry an Indian woman? A Big George Tubb did.
- Q But he was a white man? A Yes sir.
- Q Well now then how about George Tubb Jr.? A As I understand the tradition there were two Irish boys from Ireland came to this country; one married a full blood Choctaw Indian from that union Little George was born.
- Q Did he marry a white woman by the name of Elizabeth Floyd?
- A Yes sir.
- Q That's the one you are claiming through - the one who had half Choctaw blood and married a white woman, Elizabeth Floyd?
- A Yes sir.
- Q And is this the great great grandfather of this applicant George R. Pendleton? A Yes sir.
- Q And what relation was the George Tubb Jr., who married Elizabeth Floyd to you? A My grandfather; his daughter Isabella was my mother.
- Q Isabella Tubb was the daughter of George Tubb and was your mother? A She was the daughter of George Tubb who married Elizabeth Floyd? A I understand my grandfather married Elizabeth Floyd.
- Q Yes George Tubb married Elizabeth Floyd and their daughter Isabella who married Ikard was your mother and you are named after your father? A Yes sir.
- Q Now is there anything further Mr. Ikard that you want to testify in reference to this application, you can think of?
- A No sir. We have that straight I guess.
- Q I want to ask if you know whether George Tubb your grandfather complied with article fourteen of the treaty of 1830.
- A I don't know it personally.
- Q What have you heard in the family, as a matter of family

history and tradition.

A I only heard through my mother - she always told me she was one quarter Indian and I don't know that I ever heard her speak of his getting land.

Q Do you know whether George Tubb lived in Mississippi or Alabama? A In both states.

Q Where did he live in 1830? A I don't know sir.

Q Can't you give the name of any Choctaw ancestor of yours and of George R. Pendleton's who lived in that old Choctaw Nation in 1830 and was the head of a family there then? A I understand that George Tubb lived in the old Choctaw Nation either in Mississippi or Alabama; I don't know only my mother was born there and was married there in Mississippi.

Q And she would be how old now if living? A Something like ninety years I think.

Q You think she was living in Mississippi or Alabama in 1830.

A Yes sir.

Q Do you think George Tubb was also living at that time?

A I don't know sir.

Q You are not able to testify about that? A No sir.

Q Do you know whether your grandfather George Tubb lived in the old Choctaw Nation upon land which was given to him by the government because he was an Indian and that he lived upon it for five years and then got a patent of that land from the government. A I don't know.

Q Did any of the Choctaw ancestors of George R. Pendleton go from that old Choctaw Nation to the Choctaw Nation Indian Territory at any time previous to the date of this application? A I think not.

Q Do you know whether any of them went between 1833 and 1838 under the treaty with the other Indians? A No sir.

Q Do you know whether any of his ancestors received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas. A I don't know.

Q Did any of his ancestors go before either of those two commissions which were appointed one in 1837 and the other in 1842? A I don't know.

These commissions were appointed to hear Choctaws who stated that they had gone before Colonel Ward within six months after the treaty of 1830 and registered or attempted to register but that he refused to register their names and Congress on March 3 of the year 1837 and also on August 23 1842 by various acts appointed these commissions which went to Mississippi and heard claimants under article fourteen of that treaty.

Q You never heard that any of his ancestors went before either of those Commissions? A No sir.

Q Is there anything further you would like to state now in support of this claim? A No sir I think not.

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 25th day of October 1902 and that the above and foregoing is a true and correct transcript of said proceedings on said date.

Subscribed and sworn to before me this 27th day of October 1902

Clara Mitchell Wood
Chas. H. H. H.

Notary Public.

Went

COMMISSIONERS

TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6380

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, April 20, 1903.

George R. Pendleton,
2119 East 9th Street,
Los Angeles, California.

You are hereby advised that on the 20th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lafayette E. Ikard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lafayette E. Ikard, et al.	M. C. R. 762
Elisha W. Petty, et al.	M. C. R. 5142
Lula P. Hearse, et al.	M. C. R. 4334
Cornella Tackett, et al.	M. C. R. 4553
Anna Patterson, et al.	M. C. R. 4647
Eula Grayson Hodges	M. C. R. 5141
Coleta E. Lanier, et al.	M. C. R. 5945
Earnest V. Grayson	M. C. R. 5944
Alfred M. Petty	M. C. R. 5123
Sam H. Petty, et al.	M. C. R. 5143
Elisha Petty	M. C. R. 5704
James R. Petty, et al.	M. C. R. 5706
Fannie Baggett	M. C. R. 5708
Shellburn Petty, et al.	M. C. R. 5707
Samantha E. Terry, et al.	M. C. R. 4336
Robert E. Terry	M. C. R. 4339
Thomas R. Terry	M. C. R. 5437
Edward L. Terry	M. C. R. 5441
Kate Terry	M. C. R. 5439
Henry H. Terry, Jr.,	M. C. R. 5440
James D. Reed, et al.	M. C. R. 4341
Charlie C. Reed	M. C. R. 5943
David Reed, et al.	M. C. R. 4342
George A. Tubb, et al.	M. C. R. 4337
George W. Moore, et al.	M. C. R. 5916
Ellen O. Tullis, et al.	M. C. R. 5921
Jesse M. Watson, et al.	M. C. R. 5754
Cordelia S. Sheppard	M. C. R. 5920
Fannie Sewell	M. C. R. 5224
William E. Sewell	M. C. R. 5236
James E. Sewell	M. C. R. 5222
Fannie E. Wilson, et al.	M. C. R. 5227
John A. Moore, et al.	M. C. R. 5235

Mattie E. King, et al.	M. C. R. 5727
Amma Wamble, et al.	M. C. R. 5438
Hugh S. Moore, et al.	M. C. R. 5729
George H. Moore	M. C. R. 5730
Fannie B. Waltrip	M. C. R. 5728
Marcellus Moore, et al.	M. C. R. 5221
Itylene Posey, et al.	M. C. R. 5226
Irene Burleson, et al.	M. C. R. 5225
Benjamin F. Moore, et al.	M. C. R. 5231
John H. Moore	M. C. R. 5233
George W. Moore	M. C. R. 5234
Frank E. Moore	M. C. R. 5232
Ula Rebecca Moore	M. C. R. 5230
Lydia J. Singleton, et al.	M. C. R. 5135
Alice M. Godfrey, et al.	M. C. R. 5229
Lee O. Moore, et al.	M. C. R. 5137
Sallie W. Roberts, et al.	M. C. R. 5228
George Newton Whipple, et al.	M. C. R. 5223
Annie G. Wilson, et al.	M. C. R. 5919
William Alexander Moore	M. C. R. 5906
Richard P. Moore	M. C. R. 5925
Lydia A. Sheppard	M. C. R. 5918
Robert Lee Moore, et al.	M. C. R. 5922
John A. Moore, et al.	M. C. R. 5923
Glen M. Robinson	M. C. R. 5924
Ida Robinson, et al.	M. C. R. 5917
Aylmer Moore, et al.	M. C. R. 5705
Lydia E. Moore	M. C. R. 5709
Fannie Adella Moore	M. C. R. 5710
Jane A. Moore	M. C. R. 5711
William G. Tubb, et al.	M. C. R. 5712
Belle Ikard	M. C. R. 765
Robert E. Ikard	M. C. R. 4458
Willie May Ikard	M. C. R. 4459
Elisha F. Ikard	M. C. R. 779
John M. Ikard, et al.	M. C. R. 457
Eugene F. Ikard, et al.	M. C. R. 776
Suewillie Ikard Camuse	M. C. R. 784
Cleo Ikard Harris, et al.	M. C. R. 781
Lucile Ikard	M. C. R. 786
William S. Ikard, et al.	M. C. R. 5718
Milton Ikard, et al.	M. C. R. 767
William E. Ikard, et al.	M. C. R. 760
Ella Harris, et al.	M. C. R. 4894
Sallie E. Johnson	M. C. R. 5237
Thomas J. Cole, et al.	M. C. R. 5075
Jennie O. Hipp, et al.	M. C. R. 5134

William E. Stainback	M. C. R. 4831
Thomas G. Cole, et al.	M. C. R. 5074
Alma Cole Speer, et al.	M. C. R. 5140
Clyde Orr	M. C. R. 5139
Lu Blakeney, et al.	M. C. R. 5138
Beulah D. Herrin	M. C. R. 5238
Caleb G. Tubb, et al.	M. C. R. 4338
Mattie A. Tubb Johnson	M. C. R. 4333
James F. Tubb, et al.	M. C. R. 4340
Daniel W. Tubb	M. C. R. 4343
Lucius J. Tubb, et al.	M. C. R. 4344
Mary I. Sawyer, et al.	M. C. R. 4332
William F. Pendleton, et al.	M. C. R. 6314
Jesse C. Pendleton, et al.	M. C. R. 6315
Caswell A. Reynolds	M. C. R. 6316
Tucker R. Tierce	M. C. R. 6317
Louie T. Pendleton, et al.	M. C. R. 6318
Julius Watson, et al.	M. C. R. 6319
George R. Pendleton, et al.	M. C. R. 6350
Cornelia Pendleton, et al.	M. C. R. 6447
Jennie Alvina Ball, et al.	M. C. R. 6448
Clara Baggett	M. C. R. 6484
John D. Tubb, et al.	M. C. R. 6485
Aaron Moore, et al.	M. C. R. 6501

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lafayette E. Ikard, Floyd Ikard, Sul Ross Ikard, Mildred L. Ikard, Elisha W. Petty, Ruby E. Petty, Blanche Petty, Robert Lee Petty, Lula P. Hearte, Hattie C. Hearte, Mamie E. Hearte, Oliver Kenton Hearte, Ludora Hearte, Cornella Tackett, Attie Tackett, Ethalama Tackett, Anna Patterson, George Patterson, Eula Grayson Hodges, Coleta E. Lanier, Guy Vernon Lanier, Elmo E. Lanier, Herndon G. Lanier, Earnest V. Grayson, Alfred M. Petty, Campbell C. Petty, Columbus A. Petty, Bertha O. Petty, Luther A. Petty, Artie M. Petty, Troy O. Petty, Finis E. Petty, Jesse C. Petty, Sam H. Petty, Earl C. Petty, Valla Petty, Elisha Petty, James R. Petty, Lee Petty, R. Curtis Petty, Herman Petty, Eula Petty, Sidney Petty, Fannie Baggett, Shellburn Petty, Janie Petty, Claudie Petty, Samantha E. Terry, Eva

R. Terry, Wentworth H. Terry, Mary H. Terry, Robert E. Terry, Thomas R. Terry, Edward L. Terry, Kate Terry, Henry H. Terry Jr., James D. Reed, Frank R. Reed, Herbert D. Reed, Charlie C. Reed, David Reed, Thomas N. Reed, Katie Reed, George A. Tubb, Wade T. Tubb, Alline Tubb, Helen Tubb, Willie C. Tubb, George A. Tubb (Jr.), Albert Tubb, George W. Moore, Lucile Moore, Ellen O. Tullis, John T. Tullis Jr., Susie Tullis, Jesse M. Watson, Bessie Flora Watson, Cordelia S. Sheppard, Fannie Sewell, William E. Sewell, James E. Sewell, Fannie E. Wilson, Johnnie Love Wilson, Mary Gladys Wilson, Ruby May Wilson, John A. Moore, Richard H. Moore, Maggie Lee Moore, Annie Moore, Homer Moore, Beatrice Moore, Mattie E. King, Kenyon Roberta King, Amma Wamble, Hazel W. Wamble, Maggie Lou Wamble, Sammie L. Wamble, Hugh S. Moore, Orville Moore, John A. Moore, Freda L. Moore, George H. Moore, Fannie B. Waltrip, Marcellus Moore, Mattie Kate Moore, Deborah Moore, Octavia Moore, Ross Moore, Mayne Moore, Metzy Moore, Annie May Moore, Graham Moore, Itylene Posey, Herman Posey, Gerald Posey, Earl Posey, Irene Burleson, R. D. Burleson, Benjamin F. Moore, Volney Moore, Charley B. Moore, Maggie May Moore, Fannie Lee Moore, John H. Moore, George W. Moore, Frank E. Moore, Ula Rebecca Moore, Lydia J. Singleton, Albert O. Singleton, John Singleton, Fannie Inez Singleton, Lenora Jane Singleton, Erwin Edward Singleton, Reba Singleton, Alice Godfrey, William Penn Godfrey, Ralph Duncan Godfrey, Clotee Godfrey, Lee O. Moore, Hayden Moore, Annie Lee Moore, Gordon Moore, Lydia May Moore, L. O. Moore, Sallie W. Roberts, Savola Roberts, George Newton Whipple, Lydia Ella Whipple, Annie G. Wilson, Willie C. Wilson, Preston Wilson, Lucy Wilson, Isaac A. Wilson, William Alexander Moore, Richard P. Moore, Lydia A. Sheppard, Robert Lee Moore, Robert Lee Moore, Jr., John A. Moore, John Walter Moore, Glen M. Robinson, Ida Robinson, Ella Robinson, Mary Robinson, Josie Robinson, Hilton Robinson, Aylmer Moore, Minnie E. Moore, Lydia E. Moore, Fannie Adella Moore, Jane A. Moore, William G. Tubb, Aubrey E. Tubb, Bessie K. Tubb, Belle Ikard, Robert E. Ikard, Willie May Ikard, Elisha F. Ikard, John M. Ikard, Edwina M. Ikard, William G. Ikard, John Amzie Ikard, Eugene F. Ikard, Robertson Ikard, Suewillie Ikard Camuse, Cleo Ikard Harris, Albertine Harris, Lucile Ikard, William S. Ikard, Kate M. Ikard, Lewis Ikard, Emma J. Ikard, Mary F. Ikard, Lee Davis Ikard, Sallie L. Ikard, Milton Ikard, Milton Ikard, Jr., Floyd Ikard, Nellie Ikard, L. Roe Ikard, Ethel Ikard, Myrta Webb, William E. Ikard, Ian Douglass Ikard, Bettie Joe Ikard, Ella Harris, Cyrus Yates Harris, Olla Harris, Bettie Booker Harris, Sallie E. Johnson, Thomas J. Cole, Thomas C. Cole, Davella Cole, Anson T. Cole, Margurite Cole, Cathrine Cole, Jennie O. Hipp, Thomas W. Hipp, William E. Stainback, Thomas G. Cole, Elisha T. Cole, Samuel Cole, Grover Cole, Alma Cole Speer, Elizabeth Speer, Mary Louise Speer, Clyde Orr, Lu Blakeney, Vernon Cole Blakeney, Tommie Blakeney, Beulah D. Herrin, Caleb G. Tubb, Luther J. Tubb, Lulan Tubb, Romy Cape Tubb, Mattie A. Tubb Johnson, James F. Tubb, Jesse L. Tubb, Mary E. Tubb, George H. Tubb, William J. Tubb, Daniel W. Tubb, Lucius J. Tubb, Luther T. Tubb, George W. Tubb, Mary I. Sawyer, Helen Lee Sawyer, William F. Pendleton, Leroy Pendleton, Jesse C. Pendleton, Beatrice I. Pendleton, Gladys R. Pendleton, Caswell A. Reynolds, Tucker R. Tierce, Louie T. Pendleton, Ruth L. Pendleton, Julius Watson, Amy C. Watson, George R. Pendleton, George Arthur Pendleton, Cornelia Pendleton, Ernest Pendleton, Earl Pendleton, Homer Pendleton, Jennie Alvina Ball, Horace E. Ball, Blanche M. Ball, Earl L. Ball, Clara Baggett, John D. Tubb, William G. Tubb, jr., Aaron Moore, Duncan Moore, Hallie Moore and Ruth Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Samuel Dixby.

Chairman.

Registered.

M.C.R. 6350.

Muskogee, Indian Territory, May 1, 1903.

George R. Pendleton,
2119 19th St.,
Los Angeles, California.

Dear Sir:

You are hereby notified that on the 19th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lafayette E. Ikard et al., of which decision you were advised by registered mail on the 20th day of April, 1903.

Respectfully,

Chairman.

No. 50
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

31 2 5 1903

Name *George R. Pendleton.*

Age *29—* Blood *1/32.*

Post Office, *Los Angeles, Cal.*
(2119 East 9th St-).

Father *William H. Pendleton, l.*

Mother *Sarah C. " l.*

Claims through *mother.*

Wife.

Luella Pendleton, l. w.
No claim for wife —

Children:

George A. Pendleton, 5.

*Claims for self
and child*

Stenographer

Chas Mitchell Wood

George A. Conditon

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 19 1905

1. DEPARTMENTAL
ACTION MAILED (APPLICANT)

MAY 1 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT THE REQUEST OF APPLICANT:

MAY 1 1905.

1. DEPARTMENTAL ACTION
FORWARDED AT THE REQUEST OF APPLICANT:
AND CHICKASAW NATIONS.

MAY 1 1905

DECISION PREPARED

Choctaw MCR 6351

Mattie M. Brown

MCR 6351

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. OCTOBER 27, 1902.

6351

In the matter of the application of Mattie M. Brown for identification as a Mississippi Choctaw.

Mattie M. Brown being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mattie M. Brown.
Q What is your age? A Twenty five years old.
Q Do you live at Muskogee, Indian Territory? A I live five miles West.
Q How long have you lived here? A About 6 weeks.
Q Where were you born? A Bastrop County, Texas.
Q How long did you live in Texas? A Until six weeks ago.
Q Then you came hereto Muskogee in the Creek Nation? A Yes sir.
Q That is your post office address? Muskogee? A Yes sir.
Q What is your father's name? A Willis Hickersen.
Q Is he living? A Yes sir.
Q What is your mother's name? A Martha Hickersen.
Q Is she living? A Yes sir.
Q She has been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q You claim through your mother then? A Yes sir.
Q How much Choctaw blood do you claim? A A fourth- a quarter.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
Q Well, she has never been recognized by the Choctaw tribal authorities- she has been before the Commission to be identified as a Mississippi Choctaw, has she not? A Yes sir.
Q And that is the only recognition you knew anything about, is it? A Yes sir.
Q That has nothing to do with the Choctaw tribal authorities; are you married? A Yes sir.
Q What is your husband's name? A Mr. John Brown.
Q He is living? A Yes sir.
Q What is his blood or nationality? A Negro.

Q Do you make any claim for him as Choctaw Indian? A No, he is not a Choctaw.

Q You don't make any claim for him? A No, only myself.

Q Was your father ever a slave? A Yes sir.

Q Was your mother? A So they say.

Q They both were at one time? A That's what they say.

Q Have you any children you want to make application for? A No sir, not any.

Q You claim for yourself alone? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

A No sir.

Q This is your first application, is it, for citizenship in the Choctaw Nation? A Yes sir.

Q You now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes sir.

Q Do you claim under the fourteenth article of the treaty of 1830-- or don't you understand it? A We, I don't understand it.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, that year, 1830. The object of the treaty was to remove as far as possible all the Choctaw Indians who lived in the old Choctaw Nation from that old Nation to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation Indian Territory, under the treaty; and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation, article fourteen was put into the treaty of 1830; that article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Can you give me the names of any ancestors of yours who complied or attempted to comply with article fourteen of the treaty of 1830?
- A No sir, I cannot.
- Q Can you give me the name of some ancestor- your grandfather or grandmother- whoever you claim your Choctaw blood from--? A My grandfather was Louis Bennett. I have never seen him; that's what my mother always said.
- Q Your mother's father? A Yes sir.
- Q How much Choctaw blood did he have? A He was full Choctaw.
- Q Where did he live in 1830, do you know? A I don't know.
- Q Did he live in Mississippi? A Well, she said he come from Mississippi to Tennessee and from there to Arkansas with his mother and then run off but they don't know for certain where he went to.
- Q Then he did once live in Mississippi? A That's what they say.
- Q Did you ever hear that he lived in the old Choctaw Nation in Mississippi in 1830? A No sir, I know nothing of him.
- Q You don't know whether he was the head of a family there then or not? A Well, I suppose, but I don't know anything about it.
- Q Did you ever hear anybody in the family say that Louis Bennett lived in Mississippi in 1830 and was head of a family there then?
- A No sir.
- Q Do you know whether he or any Choctaw ancestor of yours lived in that old Choctaw Nation for five years after the ratification of the treaty of 1830 upon land which they had received from the Government and at the end of that time received a patent for it from the Government? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A No sir.
- Q Did any of them go to the Choctaw Nation at any time? A I don't know sir.
- Q Did Louis Bennett your grandfather or any other Choctaw ancestor of yours own any land or receive any from the Government as a Choctaw Indian under article fourteen of the treaty of 1830 in that old Choctaw Nation? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q How old would Louis Bennett be if living now? A I don't know sir.
- Q Did he have a Choctaw Indian name? A Louis Bennett was his name.
- Q Didn't have any Indian name that you know of then? A No sir.
- Q Did he speak the Choctaw language? A I don't know sir.
- Q Do you know whether the Choctaw language is the same as the English language which you speak or not? In other words do you know anything about the Choctaw language? A No sir.
- Q Do you know whether it is different from the English language?
- A No sir.
- Q Was Louis Bennett a slave? A I don't know sir.
- Q What was the name of his wife? A Elisabeth; some called her Betsy;
- Q Was she a slave? A I have heard her say she was.
- Q Heard her say so? A Yes sir.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory with the other Indians under the treaty were required if they wanted to take advantage of article fourteen of

that treaty to go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a great many Choctaw Indians did this whose names Col. Ward neglected to put on his list known as Ward Register; because of his neglect to do this a great many Choctaw Indians who had lands in the old Choctaw Nation upon which they had improvements lost both their land and their improvements. They were both sold by the Government at its Public Land Sales. Because of the complaints made, Congress appointed Commissions under various acts- one Commission in 1837 and the other in 1842; these Commissions went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors---A No sir.
Q--? went before either of these two Commissions and claimed any benefits as Choctaw Indians under article fourteen of that treaty
A No sir.
Q Did any of them receive any scrip from the Government which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana; ever hear that? A No sir.
Q This scrip was issued under the act of Congress approved August 23, 1842, and was issued to the Choctaw Indians who proved their rights under article fourteen and also proved that their land had been taken from them by the Government and sold. Do you speak or understand the Choctaw language? A I don't understand it; no.
Q Martha Hickerson was your mother? A Yes sir.
Q She appeared before the Commission to be identified as a Mississippi Choctaw and to identify her children, April 29, 1902, did she not? A Yes sir.
Q Do you want to have her case considered with yours--consolidated taken together? A Yes sir.

(Reference is here made to the application of Martha Hickerson M.C.R. 5399 for the purpose of consolidation.)

Q Is there anything more you want to say now in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from negro parentage---

Q Is your hair straight or curly? A It's a little curly.

- her hair is black and not as curly as a great many applicants who are of full negro blood; This applicant claims some Choctaw blood; she has the characteristics, features of one descended from the negro race; she does not understand the Choctaw language and has no knowledge of the compliance by her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on October 27, 1902 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry B. Harris

Subscribed and sworn to before me this 28th day of October, 1902/

Charles H. Sawyer

Notary Public.

1002

Muskogee, Indian Territory, January 15, 1903.

Mattie M. Brown,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Hickerson, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Hickerson, et al.	M.C.R. 5399
Zeno Hickerson, et al.,	M.C.R. 5400
Mattie M. Brown,	M.C.R. 6351

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Martha Hickerson, Hosea Hickerson, Maggie Hickerson, Bealless Hickerson, Ulysses Hickerson, Lillie Bell Hickerson, Early Hickerson, Ollie Hickerson, Zeno Hickerson, Zeno Hickerson Jr. and Mattie M. Brown as such should, therefore, be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

Muskegee, Indian Territory, July 11, 1903.

Mattie M. Brown,

Muskegee, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th day of May, 1903 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Hickerson, et al., of which decision you were advised by registered mail on the 18th day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR-6351.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1907.

Mattie M. Brown,
Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on February 25, 1907, denied a motion filed in this office June 25, 1906, by Thomas & Foreman, attorneys at law, Muskogee, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Martha Nickerson et al.

Respectfully,



Commissioner.

6381

No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name *Mattie M. Brown*

Age *25* — Blood *1/4*

Post Office, *Muskogee. I. T. —*

Father: *Willis Hickerson, l.*

Mother: *Martha " l*

Claims through *mother*

Husband

John Brown, l. negro.

No claim for husband.

Adm.

*claims for self
alone*

Stenographer

W. G. Harris —

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

MAY 10 1903



ACTING CHAIRMAN.

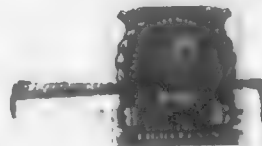
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mattie M. Brown,

Muskogee, Indian Territory

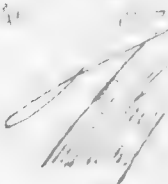
688

2897

MEM

DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civil Tribes.

FILED

A handwritten signature, possibly "H. H. H.", is written over the "FILED" stamp.

CERTIFICATE.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

3351



Mattie M. Brown,

Muskogee, Indian Territory.



V

DECISION RENDERED.

REF ID:

5399

Choctaw MCR 6352

Frank Bell

MCR 6352

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Frank Bell, et al., for
identification as Mississippi Choctaws, M.C.R. 6352.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Frank Bell, et al. to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of Lewis Culberson-----	7
Decision of the Commission refusing the ap- plication of Frank Bell, et al., for iden- tification as Mississippi Choctaws-----	8

---0---

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, October 28, 1902.

In the matter of the application of Frank Bell for the identification of himself and his seven minor children Cornelia, Willie, Lizzie Girt, Ora, Bessie, Lloyd and Robert Bell as Mississippi Choctaws.

Frank Bell being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A My name's Frank Bell.
Q What is your age? A My age - I'm thirty six years old.
Q What is your post office address? A My post office address is Elmo Texas.
Q How long have you lived in Texas. A A Well y u may say I was raised in Texas.
Q Have you always lived in Texas. A No I wont say that for the fact is I lived in Colorado and New Mexico.
Q Were you born in Texas? A I was born in Lamar. My parents moved when I was small from Lamar County to Ellis County
Q You have lived practically all your life in Texas? A Yes sir
Q Is your father living? A No sir my father died when I was ten years old..
Q Is your mother living? A No sir.
Q What was your father's name? A My father's name was Shepard Bell.
Q What was your mother's name? A Nancy.
Q Nancy Bell.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim. A I will tell you the truth; I don't know; my mother was said to be a full blood.
Q And you claim through your mother? A Yes.
Q You would be half blood wouldn't you? A I don't know.
Q You would be half of what she had? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q How much negro blood did your father have? A He was a half breed.
Q He was a half negro. A Yes sir.
Q And half what - white? A Yes sir.
Q And your mother was half negro and half Indian? A No; she was a full blood.
Q So you get one fourth white blood and one fourth negro blood from your mother. A Yes sir.
Q Was he ever a slave? A My father.
Q Yes. A No sir.
Q Or your mother? A No sir; neither one of them were slaves as I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A My wife's name is Mattie.
Q She is living? A Yes sir.

- Q What is her color or nationality? A Why she's part negro.
 Q How much? A I guess she's about a half blood.
 Q And white? A Well now I cant say -- I think-- I dont know --
 the fact of the business is I dont know her parents; her
 parents was dead before I ever saw her; I wont say.
 Q You dont make any claim for her? A No sir.
 Q Have you any children you wantto make application for?
 A I got seven.
 Q What's the name of the oldest?? A Cornelia.
 Q These are all named Bell? A Yes sir.
 Q How old is Cornelia? A Cornelia will be fifteen years old
 the first of next June.
 Q She's fourteen now? A Yes sir.
 Q What's the name of the next child? A William.
 Q How old is William? A William was eleven years old the 13th
 of June.
 Q What's the name of the next child? A The next one was
 Lizzie Girt.
 Q They are all living I suppose? A Yes sir.
 Q How old is Lizzie G.? A She's nine years old.
 Q The next one? A The next one is Ora.
 Q How old is Ora. A Well I dont know just how old; she was
 born in '95.
 Q Seven years old? A Yes sir; seven years old.
 Q What's the name of the next child? A The next one's named
 Bennie.
 Q A boy? A Yes sir.
 Q How old is Bennie? A Bennie was born in '97.
 Q The next? A The next is Lloyd.
 Q How old is Lloyd? A He was born in '99.
 Q Three years old? A Yes sir.
 Q The next? A Is Robert.
 Q How old is Robert? A He was born the 20th of March 1902.
 Q Six months old? A Yes sir.
 Q You claim for yourself and these children do you? A Yes sir.
 Q Is Mattie Bell the mother of these children? A Yes sir.
 Q And you are the father of them all? A Yes sir.
 Q Are you and your wife living together as husband and wife and
 are these children living with you at your home? A yes sir.
 Q Have you the proof of your marriage to your wife with you now
 A Yes sir.
 Q Have you got the papers? A No sir; I haven't got the papers;
 I didn't know I had to have any papers. But I can get the
 papers and the witnesses; a hundred witnesses if necessary.
 Q Were you married by a minister under a license? A Minister?
 Q By a minister -- by a pastor or preacher. A I was married by
 a preacher; yes sir.
 Q That's what we call a minister sometimes. A Well I just
 wanted to understand you.
 Q When were you married? A I was married in '86.
 Q What day of the month? A December 8th.
 Q Where were you married? A I were married in Ellis County .
 Q Texas? A Yes sir.
 Q You will be allowed ten days time from the date of this
 application in which to submit the proper proof of the marriage
 of yourself and wife and also to introduce any other testi-
 mony that you may want to introduce in this case if you de-
 sire to do so.
 Q Is your name on any of the tribal rolls of the Choctaw Nation
 in the Indian Territory with your children? A No sir.
 Q Have you ever made application for citizenship in the Choctaw

Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for yourself and children to the Dawes Commission under a ct of Congress of June 10, 1896 for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Do you want to be identified with your children as Mississippi Choctaws? A Yes sir.

Q Do you come before the Commission to claim under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir I dont understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at Dancing Rabbit Creek in Mississippi on the 27th day of September of the year 1830; the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830 under which you are claiming now; do you know whether any of your Choctaw ancestors complied or attempted with article fourteen of the treaty of 1830. A Say do I know?

Q Uhuh. A No sir I dont.

Q What is the name of the ancestor through whom you are claiming now. A Juber-Osco.. It may be all in one syllable as far as I know.

Q Now pronounce that again please. A Juber Osco is the way I pronounce it.

Q J-u-b-e-r is one name and O-s-o-o is the other. Was he your mother's father? A Yes sir.

Q Nancy Bell's father was he? A Yes sir.

- Q Did he live in Mississippi? A Yes sir.
- Q Did he live there in 1830? A Well I do not know whether he did or not.
- Q You don't know whether he was the head of a family in 1830?
- A Yes sir I suppose he was.
- Q In 1830, seventy two years ago? A No I can't say that I know that because I don't know it but I have been told that he was living there.
- Q Who told you that he was living in Mississippi in 1830 and was the head of a family there then. A My aunt.
- Q What was her name? A Ootee.
- Q Is she living? A Yes sir.
- Q Where is she living? A In Ellis County.
- Q In Texas. A Yes sir.
- Q How old is she? A I expect she's about ninety years old; she don't know her age.
- Q Well now do you know whether Juber Osco your grandfather lived in Mississippi and lived upon land there that he had received from the government, for five years and then got a deed of it or a patent of it from the government. A No sir I don't know that and she don't know it either because she's uneducated.
- Q Did he own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did he or any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1858 or forty? A I was told that they did; I don't know.
- Q Told that they come to the Choctaw Nation? A Come to the Territory.
- Q Between those years? A Yes.
- Q Who went - do you know? A No sir.
- Q Do you know whether Juber Osco did or any other? A No sir.
- Q Just simply heard that some of them did go? A Some of them did go.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi take land there and become citizens of the states; did you ever hear anything about it?
- A No sir.
- Q Did Juber Osco speak the Choctaw language do you know.
- A Yes sir.
- Q How much Choctaw blood did he have? A They claim he was a full blood.
- Q You claim that your mother is do you? A Yes sir I do claim she's a full blood.
- Q What was Juber Osco's wife named? A Mary.
- Q Mary Osco? A Mary Osco.
- Q Was she a full blood too? A Yes sir.
- Q Did she live in Mississippi? A Yes sir.
- Q With her husband? A That's what I'm told.
- Q Do you know whether any of her ancestors or whether she herself received any land in Mississippi from the government upon which she or they lived for five years and then received patent from the government for it? A No sir; I don't know; I won't say for I don't know anything about it.
- Q But if you have heard anything in the family, if you have

heard anybody that is related to you or if you have heard anybody who may have known your old people say those things you can say that you have heard them say so; that's what we call traditional testimony. A Yes sir.

Q Have any of your folks ever been before this commission to be identified as Mississippi Choctaws? A No sir; no, I spoke too quick right there; I said no sir; I have some kin-people in the Choctaw Nation by the name of Bell and I don't know them and they don't know me and they are some relations of mine; 3

Q You don't know whether they have been before the Commission or not? A No sir; I don't know them either.

Q Don't know their names? A No sir.

Q Did any of your grandmother's ancestors Mary Osce within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward, tell him they wanted to stay in Mississippi and take land there? A No sir not that I know of.

Q Can you give the names of any of your grandfather and grandmother's children? A No sir.

Q Except your mother? A Except my mother; that's all.

Q How old would your mother be if living now? A I don't know sir.

Q Was she born in Mississippi? A Yes sir.

Q Where did she die? A She died in the state of Texas.

Q About how long ago? A Fifteen years ago.

Q Well now don't you know whether she was an old woman when she died or not or whether she was a young woman? A I wouldn't call her a young woman and I wouldn't call her a real old woman.

Q A middle aged woman? A I would call her about fifty five. Yes sir; I never heard her say anything about her age.

Q You don't know whether she was living in Mississippi in 1830 or not? A She told me she was raised in Mississippi.

Q You don't know when she was born? A No sir I don't know when.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent Colonel Ward within six months from the date of the treaty and tell him they wanted to stay there and take land and become citizens of the states; a good many Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register and because of his neglect the government took the land from a good many Indians who had land and improvements in Mississippi and Alabama in the old Choctaw Nation and sold them on account of this action of the government complaints were made and commissions were appointed by congress one in 1837 and the other in 1842 by various acts of Congress which commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know whether any of your Choctaw ancestors either on the side of your grandfather Jaber Osce or his wife Mary went before either of these two commissions and claimed any benefits as Choctaw Indians? A No sir I don't.

Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir not that I know of.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen and also proved that the government had taken land from them in the old Choctaw Nation and sold it.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Do you want to introduce this affidavit of Lewis Culberson and make it a part of your record. A I suppose so; he claims to know those things.

The affidavit of Lewis Culberson presented by this applicant received filed marked exhibit A and made a part of the record in this case.

- Q Have you any other evidence you want to present or any other witnesses you want to call.
A Why there aint but just the two that I could find that I know anything about; this Lewis Culberson and my aunt; my aunt's an old woman.
Q Is she able to come before the Commission? A No sir; she's too old and blind to do it.
Q Are you going to try to get her testimony? A Well if I have to have it I will try to get it.
Q Whether you have to have it is a question for you to determine; if you want time to get her deposition or attempt to get it you can have time for that purpose.
A Well I reckon I will have to have time to get it.
Q How much time do you want - thirty days. A Yes, a little longer than that if I can get it.
Q We can't give you any longer.

Thirty days time from the date hereof is allowed this applicant in which to take the deposition of his aunt Oatee King. The time limited in this application previously, ten days is extended to thirty.

This applicant has the appearance and physical appearances of being descended from mixed ancestry composed of white, negro and Indian blood; he claims the Indian blood to be Choctaw; hair is black and while curly has not the characteristics of negro; eyes are brown; were the eyes of an Indian than a negro; dark complexion; black mustache; straight hair; does not understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 28th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 28th day of October 1902.

Charles L. Sawyer

Notary Public

COPY.

Cow.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Frank Bell, et al., for
identification as Mississippi Choctaws, M.O.R. 6352.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Frank Bell for himself and his seven minor children, Cornelia,
William, Lizzie Girt, Ora, Bessie, Lloyd and Robert Bell, under the
following provision of the act of Congress approved June 28, 1898
(30 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Juber Osce and Mary Osce, who are alleged to have been full blood Choctaw Indians, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Juber Osce, or Mary Osce, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842 (5 Stats., 313).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Bell, Cornelia Bell, William Bell, Lissie Girt Bell, Ora Bell, Bessie

Bell, Lloyd Bell and Robert Bell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamie Dixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 2 1903

RECEIVED
JAN 21 1903
TAMPA FLA
U. S. DEPT. OF INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 6352.

Muskogee, Indian Territory, February 2, 1903.

Frank Bell,

Elmo, Texas.

Dear Sir:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Frank Bell, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

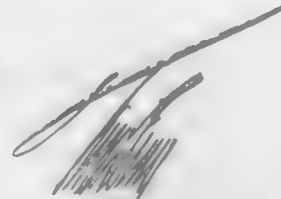
"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Bell, Cornelia Bell, William Bell, Lizzie Girt Bell, Ora Bell, Bennie Bell, Lloyd Bell and Robert Bell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together

P. B. # 2.

with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

A handwritten signature in dark ink, appearing to be 'H. H. H.', written over a series of horizontal lines.

Acting Chairman.

Registered.

COPY.

M.C.R. 6352.

Muskogee, Indian Territory, February 2, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen.

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Frank Bell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Frank Bell, Cornelia Bell, William Bell, Lizzie Girt Bell, Ora Bell, Bennie Bell, Lloyd Bell and Robert Bell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Dixey.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Frank Bell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 2, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James D. Doby.
Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: H.C.R. 4362

Land
18824-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, April 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaws of Frank Bell, for himself and his seven minor children, Cornelia, William, Lizzie Girt, Ora, Bessie, Lloyd and Robert Bell, wherein a decision adverse to the applicants was rendered by the commission on February 2, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Juber Osce and Mary Osce. They claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi or Alabama, at the time of the making of the treaty of 1830.

The commission rejected the applicants because the names of their ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provis-

ions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records in this office with reference to the names of Juber Osee and Mary Osee, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed) A. C. TONNER,

Acting Commissioner.

H.B.F. (E.)

D.C.11671-1903.
I.T.D.3642-1903.
L.R.S.

C O P Y.
F. B. I.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

April 22, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Frank Bell (M.C.R.6362), for himself and his seven minor children, Cornelia, William, Lizzie Girt, Ora, Bennie, Lloyd and Robert Bell, including your decision of February 2, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Juber Osco and Mary Osco, who are alleged to have been full blood Choctaw Indians, and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter April 7, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 6362.

COPY.

Muskogee, Indian Territory. April 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the Application for identification as Mississippi Choctaws of the several persons included in the case of Frank Bell, et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

Tamio Dixby
Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. O. A. 6802.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mustagee, Indian Territory, April 30, 1908.

Frank Bell,

Elmo, Texas.

Dear Sir:

You are hereby notified that on the 22nd day of April, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Frank Bell, et al., of which decision you were advised by registered mail on the 2nd day of February, 1908.

Respectfully,



Chairman.

6752
file

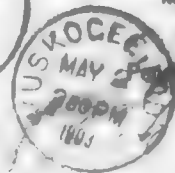
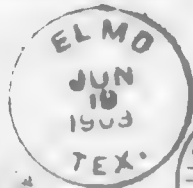
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE LIVE
FILED
JUL 2 1903

[Handwritten signature]

Chas. J. Smith



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for use, \$300.



UNCLAIMED

ELMO, TEXAS

ELMO, TEXAS

UNCLAIMED

No.

6352

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

OCT 2 1907

Name Frank Bell.

Age 36 Blood — 1/2 —

Post Office, Elmo, Texas

Father: Shepard Bell, d

Mother: Nancy " d

Claims through mother — full.

Wife, Mattie Bell, l. neg.

No claim for wife —

Children:

Cornelia Bell, 14

William " " 11

Lizzie G. " 9

Ora " 7

Bennie " M. 5

Lloyd " " 3

Robert " " 6 m.

Claims for self &
7 minors.

Stenographer Chan Mitchell Wood.

Frank. Bell, et al

REFUSED

DECISION RENDERED. FEB 2 1903

NOTICE OF DECISION MAILED APPLICANT.

FEB -2 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

FEB -2 1903

FORWARDED DEPARTMENT:

FEB 18 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

APP 9 2 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APP 20 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

1903

DECISION PREPARED

Choctaw MCR 6353

Essie Deel

MCR 6353

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 28, 1902.

In the matter of the application of Essie Deel for the identification of herself and her four minor children, George, William, Peter, and John Deel as Mississippi Choctaws.

J. O. Pool, Attorney for applicant.

Essie Deel being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A Essie Deel.
Q What is your age? A My age is forty-nine.
Q What is your post office address? A Ferris Texas.
Q How long have you lived in Ferris. A I lived there twenty-seven years.
Q Where were you born? A I was born in Mississippi.
Q Where in Mississippi? A Down in Choctaw Mississippi.
Q From Mississippi you went to what state? A I went to Tennessee.
Q Where did you live in Tennessee? A McNary County Tennessee.
Q And from Tennessee where did you go? A Texas.
Q And have lived there since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A His name was Graves Brookshier.
Q What was your mother's name? A Sallie Bacon.
Q Before she married? A Yes.
Q Sallie Brookshier; do you claim your Choctaw blood through your father or your mother? A Through my father.
Q How much Choctaw blood do you claim? A I claim one fourth.
Q Your father was one half? A Yes sir.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I dont know.
Q Has he ever lived in the Indian Territory? A I dont know.
Q Do you say you dont know whether he was enrolled as an Indian in the Choctaw Nation? A I dont know, but ----
Q This is the Choctaw Nation Indian Territory. A No sir; he wasn't enrolled here.
Q Have you the proof of the marriage of your father and mother with you? A Yes sir.
Q You have that proof with you have you? A Yes sir.
Q And you intend to file it in this case today. A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Bob Deel.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A He's a white man.
Q Do you make any claim for him? A No sir.
Q Now give me the names of your minor children commencing with the oldest under twenty-one and unmarried? A George.
Q George Deel? How old is George? A Eighteen.
Q The next? A Bill.

Q Do you want it Bill or William.
A William.
Q How old is William? A He's sixteen.
Q Next? A Peter.
Q How old is Peter? A Fourteen
Q Next? A John.
Q How old is John? A Eleven.
Q Next? A That's all.
Q You claim for yourself and these four minor children?
A Yes sir.
Q You have children who are over age or married? A Yes sir.
Q What is the name of the oldest, giving her name or his name now in full? A Her name is Mattie Adams.
Q Where does she live? A In Ferris, Texas.
Q Has she a family? A Yes sir.
Q How many children? A Three.
Q Give the names of the children? A Leon, Quincy, Ila.
Q Is that a girl? A Yes sir.
Q Now the name of your next child? A Lena Daniels.
Q Where does she live? A In Texas.
Q Post office? A Ferris.
Q Has she children? A Yes.
Q Give those children's names please.
A Timmie, Katie, Ray, Essie.
Q Your next child? A Maggie Bonnet.
Q What is her post office address? A Ferris Texas.
Q Has she children? A Two.
Q What are their names? A Willie, Bob.
Q Is Bob Deel, the father of these minor children, and also the children whom you have mentioned as being married?
A Yes sir.
Q Are you and your husband living together as husband and wife and are these minor children living with you? A Yes sir.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A I don't understand you.
Q Is your name on any of the tribal rolls of the Choctaw Nation?
A I don't know.
Q You would be pretty apt to know if they were on it wouldn't you -- on the tribal rolls of the Choctaw Nation in Indian Territory; now if you were enrolled you wouldn't be here to-day. A I don't know.

By J. O. Pool, Attorney for applicant:

The tribal rolls of the Choctaw Nation - the rolls of the people here in this country - you are not on them?

A No, I don't claim it.

By the Commission:

Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No, ~~it was unnecessary~~
Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities

the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.

Q Do you now come before this Commission to be identified as a Mississippi Choctaw and to identify your children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830. A Yes sir.

Q Do you understand that article? A Of 1830?

Q Article fourteen of the treaty of 1830? If you don't understand it I can explain it to you or try to, rather.

A I don't know.

Q You are not quite sure whether you understand it or not?

A No sir.

The treaty of 1830 which was sometimes called the treaty of Dancing Rabbit Creek, because it was made at a place by that name in the state of Mississippi on the 27th day of September 1830, was a treaty made between the United States government and the Choctaw Indians; the object of which treaty was to remove all the Choctaw Indians from that old nation east of the Mississippi river where the Choctaws formerly lived, to the Choctaw Nation, Indian Territory; before the treaty was signed, it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation, article fourteen was put into the treaty of 1830; an article in a treaty is one of its subdivisions or one of its sections; now that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now that is article fourteen of the treaty of Dancing Rabbit Creek under which you are making this claim to-day.

Q How do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A I don't know.

Q What is the name of your ancestor through whom you make this

- claim to-day for yourself and children; now your grandfather or great grand father or your grandmother or great grand mother? A My father and grandfather.
- Q Your father's father? A Yes sir.
- Q What was his name? A Jim Brookshier.
- Q How much Choctaw blood did he have? A My grandfather?
- Q Yes, Jim. A To my best knowledge I think, full.
- Q How do you know he was a full blood Choctaw Indian? A I was taught that.
- Q Who told you he was? A My father taught us.
- Q Anybody else in the family? A My mother told us.
- Q She only knew what she heard her husband say, I presume.
- A I don't know.
- Q Could he speak the Choctaw language - your grandfather?
- A I think so; I don't know for certain.
- Q Did he have any other name - any Choctaw name, except Jim Brookshier? A Not that I know of.
- Q Did his wife have any Choctaw blood at all? A I can't tell you.
- Q Did he live in Mississippi or Alabama at any time? A He lived in Choctaw Mississippi.
- Q Did he live there in 1830? A I don't know.
- Q That's seventy-two years ago; do you know whether he did or not? A I don't know.
- Q How old would he be if living now? A I don't know; somewhere along about seventy or seventy-one, is the best I know.
- Q Can you give the name of any Choctaw ancestor who lived in Mississippi in 1830? A No my father would have been up in about -- to my best knowledge -- of ninety.
- Q Who would be ninety? A My father.
- Q How old would his father be if living now - Jim Brookshier?
- A I don't know.
- Q He would have been older than that wouldn't he? A Yes sir but I can't recollect.
- Q These are important questions; if they weren't I wouldn't ask you; can't you tell whether your grandfather Jim Brookshier was living in the state of Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then; that is was married and living there with his family at that time. A I don't know myself but I think so.
- Q You think so and what makes you think so.
- A By hearing--
- Q What people said in the family? A What people said in the family.
- Q Was your father born in Mississippi? A Yes sir.
- Q He would be over ninety if living now you say?
- A I think he would be about that.
- Q Your father had how many children? A Nine.
- Q And how old would the oldest be now? A She would be in her fiftieth year; she's fifty.
- Q How much older than you? A She's fifteen months.
- Q How did your grandfather live in Mississippi in 1830 upon land which he received from the government of the United States and did he live upon it five years and then receive a patent of it from the government.
- A I don't know but I think so.
- Q Well now this is a very important question and there mustn't be any doubt in your mind; you understand that when you are testifying to these important matters we want your positive statements and if you think so tell me why you think so. If you can prove what you say, it's a very important matter in your case. Now I will ask it again.

- Q Did your grandfather Jim Brookshier live in the old Choctaw Nation in 1830 and did he receive land from the government, live upon it five years and at the end of that time get a patent to that land from the government? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time previous to this application, that you know of.
- A No sir, not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation either in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know..
- Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A Yes sir.
- Q Sure? A Yes sir.
- Q Who owned any improvements there in 1830? A My grandfather.
- Q Jim Brookshier? A Jim Brookshier.
- Q What did these improvements consist of; do you know? A No sir.
- Q Where was the land located upon which these improvements were? A In Mississippi but I don't know where.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward, tell him they wanted to stay in Mississippi and take land there? A Yes sir.
- Q Do you know who did that? A My grandfather.
- Q Now how do you know that he went to Colonel Ward and tried to register or did register under him? A I've heard it in the family.
- Q Who told you that? A I've heard my father.
- Q Do you know of any record that contains the name of Jim Brookshier as a beneficiary under article fourteen of the treaty of 1830? A No sir.
- Q Have you any proof that your grandfather Jim Brookshier did go to Colonel Ward within six months from the ratification of the treaty and attempt to register under article fourteen other than what you have been told in the family? A No sir.

The Choctaw Indians who stayed back there in that old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty, to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty, and register under that article fourteen of the treaty of 1830; a great many Indians did this or attempted to do this whose names Colonel Ward neglected to put upon his list known as Ward's register; because of his neglect to do so a good many Indians who had land in that old Choctaw Nation had both the land and the improvements upon it taken from them by the government and sold at its public land sales; this caused a great many complaints among the Choctaw Indians so that in 1837 by an act approved March 3 of that year a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek or the treaty of 1830; in 1842 by an act approved August 23 of that year another commission was appointed by Congress for the same purpose; this commission also went to Mississippi

and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of those two commissions and claim any benefits as Choctaw Indians under article fourteen do you know? A Yes sir.
- Q Who went? A My grandfather.
- Q Before which Commission; that of 1837 or 1842 - did you ever hear? A No I never heard.
- Q Does his name appear upon lists made out by either of those commissions; do you know? A No sir.
- Q All you know about it is what you have been told in the family? A Yes sir.
- Q Did any of your Choctaw ancestors Jim Brookshier or any other, receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas. A I don't know.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen and also further proved that they had had land taken from them in the old Choctaw Nation by the government and sold.

- Q Do you speak the Choctaw language or understand it? A No sir.
- Q Have you any other evidence you want to present now or any witnesses you want to call. A

By Attorney J. O. Pool:

Judge we have some witnesses but on account of the weakness of the old lady we thought we would introduce the testimony in the morning.

By the Commission to applicant:

- Q You have a witness you wish to call later on have you?
- A Yes sir.
- Q What is her name? A Her name's Sallie Sheffield and Harriett Cobb and Baseline Conn.

To Attorney: Any questions?

By Attorney:

- Q Now Mrs. Deel you claim through your parents Graves Brookshier and Sallie Bacon do you? A Yes sir.
- Q You claim that Sallie Bacon your mother had some Choctaw Indian in her but you don't know how much? A Yes sir.
- Q She lived in the state of Mississippi? A Yes sir.
- Q You claim that Graves Brookshier your father was a son of James Brookshier? A Yes sir.
- Q And that James Brookshier possessed one half Choctaw Indian blood or more? A Yes sir.
- Q Now is it a fact that James Brookshier your grandfather applied to the agent Ward within six months after the treaty of 1830 and asked to be registered by said Ward to become a citizen of said nation and receive his land there? A Yes sir.
- Q From the parties who you have derived this information did

they tell you what your father and grandfather said Ward said to him? A Yes.

Q What did Ward say to him when he applied to him.

A He told him to go west where he belonged.

Q Meaning to the Choctaw Nation west where the Indians was going to? A Yes sir.

Q Did your grandfather come west? A I don't know.

Q Or did he stay there in Mississippi; this is your grandfather now we are talking about? A He stayed.

Q Did he have a home there? A Yes sir.

Q Do you know from whom he got that home or how he got it? A No sir.

By the Commission:

On request of Mr. Pool, counsel for applicant thirty days time is granted for the introduction of other testimony.

There is offered in evidence, marked exhibit A., filed and made a part of the record in this case a certified copy of the marriage license of G.G. Brookshier to marry Mary F. Bacon.

This applicant has the appearance and physical characteristics of being descended from white parentage; has gray eyes; black hair; medium fair complexion; she doesn't understand the Choctaw language and knows of no compliance with article fourteen of the treaty of 1830 on the part of her ancestors further than testimony in the family and hearsay or traditional testimony.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 28th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 29th day of October 1902.

Charles H. Sawyer

Notary Public.

M C R 6353

Langhorne, Indian Territory, April 5, 1904.

Essie Deel,
Ferris, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 16, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including yourself and children George Deel, William Deel, Peter Deel and John Deel.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Commissioner in Charge.

1323
M.C.R. 6353

Muskogee, Indian Territory, September 26, 1904.

COPY.

Essie Deel,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, George Deel, William Deel, Peter Deel and John Deel, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

CHOWED

James Bixby.

Chairman.

MOR-6353

Muskogee, Indian Territory, October 30, 1906.

Essie Deal,

South McAlester, Indian Territory.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name *Essie Weel*Age *49* — Blood *1/4*Post Office, *Ferris, Texas.*Father: *Graves Brookshier, d.*Mother: *Ballie Brookshier, d.*Claims through *father (1/2)**Husband.**Bob Weel, l. w.**No claim for husband.*

Children:

*George Weel 18**William " 16**Peter " 14**John " 11**Claims for self
and 4 minors.*Stenographer *Clara Mitchell Wood*

Cassie Deel et al

REFUSED.

DECISION RENDERED

1904

COPIES OF DECISION FORWARDED

45

COPY OF DECISION FORWARDED

AND

CHICKASAW NATIONS

NOTICE OF DECISION

FORWARDED

COPIES OF DECISION FORWARDED DEPARTMENT

APR 11 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

AUG

1904

NOTICE OF DEPARTMENTAL ACTION

ACTION MAILED APPLICANT

SEP 16 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TOLNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY APPLICANT

P.O. Smith

Choctaw MCR 6354

Sallie Sheffield

MCR 6354

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 28, 1902.

---0---

In the matter of the application of Sallie Sheffield for the identification of herself and her six minor children Turner, Etta, Orvil, Leater, Ruth and Stella Sheffield, as Mississippi Choctaws.

Applicant represented by J. O. Pool Attorney at Law
Sallie Sheffield, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sallie Sheffield.
Q What is your age? A Forty three.
Q What is your post office address? A Ferris Texas.
Q Were you born in Texas? A No sir.
Q Where were you born? A Mississippi.
Q Where in Mississippi. A Lee County.
Q From there you went where? A To Tennessee.
Q And from Tennessee where? A To Texas.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Graves Brookshier.
Q What was your mother's name? A Sallie Bacon.
Q That was before she was married? A Yes sir.
Q Her name was Brookshier after she married; through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One quarter
Q How much did he have? A Half.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
Q Have you the proof of marriage of your father and mother with you? A Yes sir.
Q Do you intend to file it in this case? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A William Sheffield.
Q He is living? A Yes sir.
Q Is he a Choctaw Indian or is he a white man? A White man.
Q Do you make any claim for him? A No sir.
Q Now give me the name of the oldest child under age and unmarried? A Turner.
Q How old is he? A Sixteen.
Q Next? A Etta.
Q How old? A Thirteen.
Q Next? A Orvil.
Q How old? A Ten.
Q Next? A Leater.
Q How do you spell that? A L-e-a-t-e-r.
Q Girl? A Yes sir.
Q How old is she? A Seven.
Q Next? A Ruth.
Q How old is Ruth? A Five.
Q Next? A Stella.

- Q How old is she? A Two.
- Q Is there another? A No not under age.
- Q What's the name of your old child married? A Cora Moon.
- Q What is her post office address? A Beall, Arkansas.
- Q Has she children? A Yes sir.
- Q How many? A Threes.
- Q Will you name them please? A Allie, Turner; now let me study a minute; and a baby.
- Q What's the next child's name? A Elmore Sheffield.
- Q Is he married? A No sir.
- Q Where does he live? A Ferris.
- Q Next one? A Olive Adams.
- Q Where does she live? A Ferris.
- Q Children? A One.
- Q What's the name? A It's name -- I can't think of its name.
- Q It's a boy? A Yes sir.
- Q Is William Sheffield the father of all of these children, the minors as well as the other's? A Yes sir.
- Q Are these minors living with you and your husband at your home?
- A Yes.
- Q Your husband and you are living together as husband and wife?
- A Yes sir.
- Q Were either you or he married before you married each other?
- A No sir.
- Q Is your name or the names of these minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or any of these minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory?
- A No sir.
- Q This is your first application for yourself and children is it? A Yes sir.
- Q Do you now come before the Commission to identify yourself and these minor children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A No sir; I don't thoroughly understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; this article fourteen that was put into the treaty of 1830 was put there for the special benefit and protection of the Choctaw Indians who remained back in the old Choctaw Nation and their descendants, and reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one sect on of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A Yes sir I think not.
- Q Who complied or tried to comply with it? A My grandfather.
- Q What was his name? A Jim Brookshier.
- Q How much Choctaw blood did Jim Brookshier have.
- A He was half or more.
- Q He must have been more than half; if you claim through him; claim one quarter you would be one half of what your father had and he must have been one half; now if your father claimed through his father Jim Brookshier he would have twice as much as your father had which would be full, wouldn't it.
- A Let's see; my grandmother--
- Q I'm talking about Jim Brookshier now. How much do you claim he had. A Well he's more than half; he's full blood.
- Q You think he was a full blood? A Yes for I was taught that I was one quarter Indian.
- Q Now you were speaking about his wife, your grandmother.
- A Her name was Sallie Graves.
- Q Did Sallie have any Choctaw blood. A Yes sir that's what I was taught.
- Q How much Choctaw blood did she have? A I don't know exactly how much she had.
- Q How did she live in Mississippi in 1830? A Yes sir.
- Q Were they the heads of families there then.
- Q In other words did Jim Brookshier have a family there then?
- A Yes sir.
- Q Now what did he do; you say he complied with article fourteen of the treaty of 1830; what did he do? What was it? He did that makes you believe that he attempted to comply or did comply with article fourteen of the treaty of 1830.
- A Explain that again please.
- Q I asked you a little while ago if he complied with article fourteen and you said yes. A Yes sir.
- Q I asked you what he did to make you say that; what did he do?
- A I don't know.
- Q Well you've heard about Colonel Ward haven't you; did you ever hear the name of Colonel William Ward? A I've heard it.
- Q What was he, do you know? A No sir I don't.

- Q Do you know whether Jim Brookshier within six months after the ratification of the treaty of 1830 went to the United States Indian agent Colonel Ward and told him that he wanted to stay in Mississippi, take land there and become a citizen? A Yes sir.
- Q That's what I call complying with article fourteen of the treaty of 1830; how do you know he did that.
- A I was just taught that through the family.
- Q Tell me who taught you that? A My mother and father.
- Q What did they say about that. A I don't remember what they did say. I was just taught that; for I was small when my father died.
- Q Did Jim Brookshier or any other Choctaw ancestor of yours receive any land in Mississippi under article fourteen of the treaty of 1830, live upon that land for five years and then get a patent to it from the government. A Yes sir.
- Q Sure? A I'm not sure; I think so. But that's what we have been taught.
- Q Who taught you? A My family; my folks.
- Q Do you know where that land was located? A No sir I dont.
- Q Whether in Mississippi or Alabama? A No sir I'm not certain where.
- Q Can't give a description of it? A No sir.
- Q Do you know what became of it. A No sir I dont know anything about it.
- Q Do you know what became of the patent to it? A No sir I dont know.
- Q Did you ever see the patent or see anybody that did?
- A No sir not as I know of.
- Q Did Jim Brookshier have that land and have a patent to it.
- A I cant tell you.
- Q Cant say who did have it? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty or any othertime? A No sir.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830.
- A Yes sir I think so.
- Q On this land that you have already spoken about. A Yes sir.
- Q What evidence have you further than what you have been told in the family that Jim Brookshier or any Choctaw ancestor did get land under article fourteen in Mississippi? Any at all?
- A No, none only just what's here..
- Q Don't know whether his name appears upon any list as a beneficiary under article fourteen or not. A Not as I know of.
- Q Do you know how old he would be if living now? A No sir; I dont for certain.
- Q So far as you have been instructed he was a full blood Indian living in Mississippi in 1830? A Yes sir as far as I know.
- Q And had a family there? A Yes sir.

The Indians who stayed back in that old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Indian Territory under the treaty were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a great many Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register and because of his neglect a great many Cho-

taw Indians who had land in the old Choctaw Nation upon which they had improvements had their land and improvements taken from them by the government and sold at its public land sales; on account of the complaints that were made because of this action by the government commissions were appointed under various acts of Congress, one in 1837 and the other in 1842; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two commissions and claim any benefits under that article?
A Not as I know of.
Q Did any of your Choctaw ancestors own any scrip or receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas. A I think so.
Q They did get this scrip? A Yes sir.
Q Do you know what the scrip was? A No sir.
Q Is it your idea that it was money in some form. A I have no idea.

Well it was a certificate which entitled the holder of it to select land in place of the land which they had formerly had in the old Choctaw Nation and which the government had taken from them and sold.

- Q Now you say you think they did receive such scrip as that?
A I think so.
Q Well did you ever see the scrip or did you ever see anybody that did see it? A I never seen it myself.
Q Do you know of anybody that ever did? A No sir? I dont know as I did.
Q Do you know whether land was selected under that scrip or not?
A No sir I dont.
Q Did you ever hear that your ancestor went to Colonel Ward and that he told him anything in reference to his rights or not? A Yes sir I think so.
Q What did you hear? A I heard that he told him to go on to his own nation.
Q Who told you that that conversation occurred between your grandfather and Colonel Ward? A I've just been told that.
Q By whom? A By some of the people.
Q Could you tell by whom? A No sir.
Q This scrip that I have spoken of was issued under act of Congress approved August 23 1842 and was given to those Indians who proved their rights under article fourteen and also proved their land had been taken from them by the government and sold.

- Q Do you know anything of the Choctaw language or do you speak it? A No sir.
Q Is there anything further that you want to say now in support of this claim? A No sir.
Q What relation is Essie Deel to you? A Sister.
Q Do you want her case and yours considered together? A Yes sir.

Examination by J. O. Pool, Attorney for Applicant:

- Q You and this lady who has just proceeded you are full sisters.
A Yes sir.

- Q Same father? A Yes sir.
Q Same mother? A Yes sir.
Q Claim through the same ancestor? A Yes sir.
Q You claim through your grandfather James Brookshier? A Yes sir.
Q Was it common history of the family and tradition in the family that James Brookshier your grandfather applied to the United States Indian agent Ward within six months after the ratification of the treaty of Dancing Rabbit Creek and asked to be registered and become a citizen of the states?
A Yes sir.
Q What did he, Ward tell your grandfather Mr. Brookshier when he made this application; have you ever heard them say as to that? A They told him to go -- I can't tell it now -- they told him to go and -- explain that again to me.
Q What did the United States agent say to your grandfather; what did he tell him to do or what reasons did he assign for not registering him at that time? A Just what did you hear that he said to him? A To go west.
Q Told him to go west? A Yes sir.
Q It was west that he would have to go to come to this country?
A Yes sir.
Q Do you know whether there was any others rejected at the same time? A No sir; I'm not certain.
Q Your knowledge is derived from the common history of the family is it? A Yes sir.
Q You have witnesses here you want to introduce? A Yes sir.
Q What are the names of the witnesses? A Harriett Cobb, Emeline Conn.
Q You have other witnesses? A Yes sir.
Q Where is your marriage certificate? A My husband's got it in his pocket.

By attorney to the Commission:

We ask you if you please for thirty days.

Thirty days time is allowed on motion of counsel for applicant for the introduction of further testimony..

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; brown eyes; medium fair complexion; she does not understand the Choctaw language; her knowledge of any compliance on the part of any of her ancestors with article fourteen of the treaty of 1830 is based upon family history and tradition.

Glara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 28th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 30th day of October 1902.

Charles H. Sawyer
Notary Public.

K. J. 6004

6004

, Indian Territory, April 3, 1904.

Willie Sheffield,

Perris, Texas.

Dear Madam:

You are hereby notified that the Commission of the Five Civilized Tribes, Indian Territory, 1904, rendered its decision refusing the applications for the release of the said prisoners of the several persons included in the consolidated case of Alan E. Sapp, et al., including, among others, William Turner Sheffield, Etta Sheffield, Orvil Sheffield, Walter Sheffield, Rex Sheffield and Stella Sheffield.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Sd.)

T. B. Needles.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

COPY.

Sallie Sheffield,

Warrant, Indian Territory,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Turner Sheffield, Etta Sheffield, Orvil Sheffield, Lester Sheffield, Ruth Sheffield and Stella Sheffield, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 8th day of April, 1904.

Respectfully,

James Bieby.
Chairman.

MUR-6384

Muskogee, Indian Territory, October 20, 1906.

Salute Sheffield,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Sallie Sheffield.

Age 43 — Blood '14

Post Office, Ferris, Texas.

Father: Graves Brookshire d.

Mother: Sallie " d.

Claims through father $\frac{1}{2}$

Husband,

William Sheffield l. w.

No claim for husband

Children:

Turner Sheffield, 16

Ella " 13

Orvil " M. 10

Leater " F. 7

Ruth " 5

Stella " 2

Claims for self &
6 minors

Callie Sheffield et al

REFUSED

NOTICE OF DECISION FOR

LAND

AP

CITY OF BIRMINGHAM
ATTORNEY GENERAL
CHICKASAW NATIONS

1

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 22 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

AUG 22 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY GENERAL
CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY GENERAL

P.O. Dec. 21, 1904

Choctaw MCR 6355

Harriet Cobb

MCR 6355

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 28, 1902.

In the matter of the application of Harriet Cobb for the identification of herself and her two minor children, Emma and William Cobb as Mississippi Choctaws.

Applicant represented by J. O. Pool, Attorney at Law.

Harriet Cobb being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Harriet Cobb.
Q What is your age? A Forty eight.
Q What is your post office address? A Ferris Texas.
Q How long have you lived there? A Twenty seven years, about.
Q Where were you born? A Born in Alabama.
Q Where is Alabama? A Blunt County.
Q From Alabama where did you go? A Mississippi.
Q Where did you live in Mississippi? A Pontotoc County.
Q From Mississippi where did you go? A Arkansas.
Q And from there to Texas? A Yes sir.
Q Where did you live in Arkansas. A Pulaski.
Q And you have lived in Texas how long now? A Twenty seven years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A A. Y. Haynes. Andrew Haynes.
Q What was your mother's name? A Sallie Brookshier.
Q Did she marry Andrew Haynes first and then marry Brookshier, afterwards? A No sir; that was her maiden name.
Q You claim through your father do you or your mother - your Choctaw blood? A I claim through Brookshier and father too.
Q You claim through both? A Yes sir.
Q How much Choctaw blood do you claim? A I claim half.
Q Do you claim that Andrew Haynes was a half Choctaw Indian? m
A Well he was more than half - he was ---
Q Could you tell how much he was? A No sir; he was mostly called Indian; full I reckon.
Q Do you mean to say he was a full blood Choctaw Indian?
A Well I dont know; they called him that.
Q But you don't know how much he did have? A No sir not for certain.
Q How much Choctaw blood did his wife Sallie had? A She had half.
Q Do you know whether either your father or his father were ever recognized Choctaw Indians or enrolled as such by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother with you? A Sir.
Q Have you the proof of the marriage of your father and mother with you? A No sir not with me.
Q Do you know when they were married? A They were married in 1841.

- Q Where? A In Blunt County; I'm not right certain it was Blunt; I don't know for certain that it was in Blunt.
- Q Do you remember the day of the month and year? A Yes sir. They were married Christmas Eve I think it was; I won't be positive; in December 1841.
- Q By a minister under a license? A I don't remember.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A John Cobb.
- Q Is he an Indian or a white man? A White man.
- Q Do you make any claim for him? A No sir.
- Q Now give me the name of your children under age? A Emma Cobb, twenty. William Cobb, fifteen.
- Q Is that all? A That's all the minors; I have four older; Sallie Cobb.
- Q Where does she live? A She resides with me.
- Q Is she married? A No sir; single; her post office is Ferris.
- Q What is the name of the next over age? A Warring, a son, twenty eight.
- Q Does he live in Ferris? A He lives right with me at home, yes sir.
- Q Have you any other children over age? A Welcome, married; he's a son. John Edwards; his nick name is Welcome.
- Q Have you any other children? A Ida Cobb, twenty one.
- Q Does she live in Ferris? A They are all with me. That's all. I put six children down didn't I?
- Q Yes. Is John Cobb the father of these children? A Yes sir.
- Q Are these minors living with you at your house? A Yes sir.
- Q Were you or your husband married before you married each other? A No sir.
- Q Is your name or the names of any of these minor children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for your self and your minor children either to the Choctaw authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896.
- A No sir.
- Q Have you or your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q This is your first application for yourself and children is it? A Yes sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A I do.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A No sir.

The treaty of 1830 was made at Dancing Rabbit Creek in Mississippi between the United States government and the Choctaw Indians; the date of it was the 27th day of September 1830; the treaty was made in order to remove as far as possible all the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect those Indians who stayed back or wanted to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; an article in a treaty is one of its subdivisions or sections; article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen under which you make your claim today; do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? None with the exception of my grandfather James Brookshier. James Brookshier or Jim Brookshier? A Well they called him Jim and James.

- Q He was your grandfather? A Yes sir.
 Q How much Choctaw blood did he have? A Half or more.
 Q He was Sallis Brookshier's father? A Yes sir.
 Q Your mother's father? A Yes sir Sallis Brookshier's.
 Q You said you claim through Andrew Haynes also? A yes sir.
 Q Whom did he claim through? A He claimed on both sides.
 Q Their names are John and Nancy Haynes.
 Q Then you claim through these ancestors Jim Brookshier on your mother's side and John Haynes and Nancy on your father's side? A Yes sir.
 Q Now do you know if any of these ancestors lived in Mississippi in the old Choctaw nation in 1830 and were the heads of families there then? A You mean Brookshier.
 A Jim Brookshier, John Haynes or Nancy Haynes any one of them.
 A I don't know.
 Q Did you ever hear that Jim Brookshier lived in Mississippi in 1830 and was the head of a family there then? A Sir.

By attorney:

- Q Did you ever hear that your grandfather Jim Brookshier lived in Mississippi when the treaty of Dancing Rabbit creek was ratified and was the head of a family? A Yes sir.

By the Commission:

- Q Jim Brookshier lived there? A He resided in Mississippi.
 Q Seventy two years ago? A You mean my grandfather.
 Q Yes I mean Jim Brookshier.
 A He must have resided there the best I can call to recollection.
 Q Did he live there seventy two years ago when the treaty of 1830 was made? A Yes sir.
 Q What made you think he did? A Well from what the relatives talked, one and another, you know, mother and grandfather.
 Q Do you know whether John Haynes or his wife Nancy did? A No sir, I'm not acquainted with my grandfather Haynes.
 Q Did any of your Choctaw ancestors live in Mississippi in 1830 and receive land from the government under article four-

- teen of that treaty live upon it for five years and then get a patent to it from the government? A I dont know.
- A Let's see; my ancestors; in what year?
- A In 1830 to 1835 for five years? A Yes sir.
- Q How do you know that? A I dont know only from what I've been told.
- Q Who told you so? A From what relatives say.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi take land and become citizens of the United States? A Yes sir my grandfather.
- Q Which grandfather did if you were going to say that your grandfather did. A Brookshier
- Q Well now did he go to Colonel Ward? Dont you know or do you know; you can hear my questions; please answer.
- (No answer)
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or forty? A No sir
- Q Did they go from that old Choctaw nation to the Choctaw Nation Indian territory at any other time? A No sir.
- Q Did any of them own any improvements on land in that old Choctaw Nation east of the Mississippi river under article fourteen? A No sir.
- Q Now you said a little while ago that Jim Brookshier received a patent to land in Mississippi from the government after living upon land there for five years; do you know where that land was located? A No sir.
- Q Whether in Mississippi or Alabama? A No sir.
- Q Do you know what became of the land or the patent? A No sir.
- Q Is that information based upon family history? A Yes sir.
- Q Have you any proof of that fact? A No sir.
- Q Have you ever seen anybody that saw that patent or deed?
- A No sir
- Q How do you know that he lived on that land for five years and then got a patent of it. (No answer)
- Q Do you know Mrs. Cobb whether Jim Brookshier your grandfather received land from the government under article fourteen of the treaty of 1830 in that old Choctaw Nation, lived on it five years and then got a patent to it from the government?
- A No sir.
- Q How old would Jim Brookshier be if living now? A I dont know but he would be over a hundred years old.
- Q Do you know whether Jim Brookshier or his wife Nancy ever received any land from the government under article fourteen of the treaty of 1830? A No sir I'm not acquainted with them.
- Q You dont know whether he lived on land five years and then got a patent to it - either he or his wife? A No sir.
- Q The Choctaw Indians who lived in the old Choctaw nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of Article fourteen of the treaty to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi take land and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as Ward's register and because of his neglect a great many Choctaw Indians who had land in the old Choctaw Nation had it taken from them by the government

and sold; because of this act of the government a great many complaints were made and congress appointed commissions one in 1837 and the other in 1842 which commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors either Jim Brookshier or John Haynes or Nancy his wife went before either of these commissions and claimed any benefits under that article of that treaty? A I was told that they applied.
- Q Did they apply to Colonel Ward or did they apply to those commissions or did they apply to both? A I dont know.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas. A Not as I know of.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Indians who proved their rights under article fourteen and also further proved that their land had been taken from them by the government and sold.

- Q Do you understand or speak the choctaw language? A No sir.

Examination by J.O. Pool Attorney for applicant.

- Q Did your father understand and speak the choctaw language?
A Yes sir he could.
- Q Did the other one also Mr Haynes and Nancy Haynes talk the Choctaw language? A I am acquainted with my grandparents; my father is who I'm speaking of.
- Q Jim Brookshier? A Yes sir.
- Q Do you remember what kind of looking man Jim Brookshier was; what was his color? A He was a light chocolate I reckon.
- Q He was a chocolate color? A Yes; he was an Indian.
- Q You are accustomed to Indians are you not? A Yes sir.
- Q What kind of Indian did he look like? Did he look like he was full blood or mixed or what? A I cant say; he might resemble a full blood.
- Q You saw some full bloods at Durant did you? A Yes sir.
- Q Did he resemble them? Did he look as much Indian as they did.
A Very near.
- Q I believe you have stated that your grandfather Jim Brookshier applied under the treaty of 1830 within six months after the ratification of said treaty to the United States agent to be enrolled as a Choctaw who wanted to become a citizen of the states. A Yes sir.
- Q Do you know whether he was enrolled or not. A No sir.
- Q Why wasn't he enrolled? A They refused and said for him to go west to his tribe; was my understanding.
- Q And do you know whether he applied then to the Commission the second time A No sir
- Q You dont know? A No sir.
- Q Where do you reside? A Near Ferris Texas.
- Q Are you in a moving condition now moving to the Indian Territory or not? A Yes sir.
- Q How soon do you expect to be living in the Indian Territory?
A Within a month or two.
- Q You will be residing in the Indian Territory? A Yes sir.

Harriet Cobb ?

To the Commission.

We want thirty days time if you please.

On motion of counsel for applicant thirty days time is allowed in which to introduce other testimony in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; has black hair; brown eyes; medium dark complexion; features of a white person; does not understand or speak the Ojibwa language and such information as she may possess regarding her ancestors complying with article fourteen of the treaty of 1830 is based upon family history and tradition.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 20th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 20th day of October 1902.

Charles H. Sarason

Notary Public.

Muskogee, Indian Territory, April 5, 1904.

Harriet Cobb,

Ferris, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah B. Babb, et al., including you and your children, Emma and William Cobb.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

E. A. McCallister.

Commissioner in Charge.

Registered.

M.C.R. 6355

Muskogee, Indian Territory, September 26, 1904.

Cor

Harriet Cobb,

Ferris Texas,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Emma Cobb and William Cobb, included in the consolidated case of Sarah H. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

W. H. B. B.

James Bixby.

Chairman.

MUR-6366

Muskogee, Indian Territory, October 20, 1906.

Harriet Cobb,
Ferris, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Rabb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name *Harriet Cobb.*

Age *48* Blood *1/2*

Post Office. *Ferris, Texas.*

Father: *Andrew Haynes, d*

Mother *Sallie Brookshire d*

Claims through *both parents,*
Newband.

John Cobb, sl. w.
No claim for husband.

Children.

Emma Cobb, 20.

William " 15

Claims for self
& 2 minor

Stenographer *Clara Mitchell Wood.*

R.63

Harriet Cobb et al

REFUSED

DECLINER REVIEWED MAR 15 1904

NOTICE OF DECISION FORWARDED

APR

CHIEF OF BUREAU OF LANDS
ALBANY, N. Y.
COMM. OF LANDS

NOTICE OF DECISION

FORWARDED

FORWARDED DEPARTMENT

APR 21 1904

APPROVED

BY THE INTER

AUG 22 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

Choctaw MCR 6356

Sarah E. Babb

MCR 6356



POOR COPY
BEST AVAILABLE COPY

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Sarah E. Babb, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Sarah E. Babb,	M.C.R. 6356
Winnie Stogner, et al.,	M.C.R. 6357
James W. Mitchell, et al.,	M.C.R. 6996
Arrelous Mitchell, et al.,	M.C.R. 6390
Robert Mitchell,	M.C.R. 6389
Oscar G. Mitchell,	M.C.R. 6388
Ellie Nora Spikes, et al.,	M.C.R. 6387
Doyle Stogner, et al.,	M.C.R. 6391
James Pierce Berry, et al.,	M.C.R. 6499
Clarissa Hardin, et al.,	M.C.R. 6386
Roxy Hardin, et al.,	M.C.R. 6385
Tildin Hardin, et al.,	M.C.R. 6388
Lillie Cassidy, et al.,	M.C.R. 6386
Maggie Biggs, et al.,	M.C.R. 6359
Stephana Morris, et al.,	M.C.R. 6382
Willie Tubb, et al.,	M.C.R. 6383
Robert Conn, et al.,	M.C.R. 6692
Essie Deel, et al.,	M.C.R. 6363
Mattie Adams, et al.,	M.C.R. 6379
Lena Daniels, et al.,	M.C.R. 6460
Maggie Bonnett, et al.,	M.C.R. 6433
Robert L. Brookshier, et al.,	M.C.R. 6416
Sallie Sheffield, et al.,	M.C.R. 6354
Cora I. Moon, et al.,	M.C.R. 6376
William H. Sheffield,	M.C.R. 6375
Ollie Adams, et al.,	M.C.R. 6380
Mattie Jim Hardin, et al.,	M.C.R. 6452
Florence Emeline Deel, et al.,	M.C.R. 6415
Graves G. Brookshier, et al.,	M.C.R. 6374
Lullah Shofner, et al.,	M.C.R. 6360
Alexander Graves Haynes, et al.,	M.C.R. 6500
Henry H. Haynes, et al.,	M.C.R. 6459
Lydrel Haynes,	M.C.R. 6477
Ada Bradford, et al.,	M.C.R. 6454
Lura Smith, et al.,	M.C.R. 6458
Marvin Edwards, et al.,	M.C.R. 6457
Harriet Cobb, et al.,	M.C.R. 6365
Sallie Cobb,	M.C.R. 6384
Warren Cobb,	M.C.R. 6392

John E. Cobb, et al.,	M.C.R. 6393
Ida Cobb,	M.C.R. 6385
Andrew Warren Haynes, et al.,	M.C.R. 6417
Emma B. Key, et al.,	M.C.R. 6455
Sallie C. Fisher,	M.C.R. 6998
Andrew Duff,	M.C.R. 6999
Bettie Wilam,	M.C.R. 6456
Harper Haynes, et al.,	M.C.R. 6418
Mary Jane Wilcher, et al.,	M.C.R. 6983
Wallace H. Wilcher, et al.,	M.C.R. 7296
A. Y. Wilcher, et al.,	M.C.R. 6984
Billy P. Wilcher,	M.C.R. 7327
Georgie A. Davis, et al.,	M.C.R. 6453
John A. Long, et al.,	M.C.R. 7018
Willie A. Swinny, et al.,	M.C.R. 7016
Murphy Long Kinsey, et al.,	M.C.R. 7017
Arkie Snow, et al.,	M.C.R. 6381

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copy

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Sarah E. Babb, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Sarah E. Babb,	M.C.R. 6356
Winnie Stogner, et al.,	M.C.R. 6357
James W. Mitchell, et al.,	M.C.R. 6996
Arreleus Mitchell, et al.,	M.C.R. 6390
Robert Mitchell,	M.C.R. 6389
Oscar G. Mitchell,	M.C.R. 7019
Ellie Nora Spikes, et al.,	M.C.R. 6997
Doyle Stogner, et al.,	M.C.R. 6391
James Pierce Berry, et al.,	M.C.R. 6499
Clarissa Hardin, et al.,	M.C.R. 6358
Roxy Hardin, et al.,	M.C.R. 6387
Tildia Hardin, et al.,	M.C.R. 6388
Lillie Cassidy, et al.,	M.C.R. 6386
Maggie Biggs, et al.,	M.C.R. 6359
Stephana Morris, et al.,	M.C.R. 6382
Willie Tubb, et al.,	M.C.R. 6383
Robert Conn, et al.,	M.C.R. 6692
Hasis Deel, et al.,	M.C.R. 6363
Mattie Adams, et al.,	M.C.R. 6379
Lena Daniels, et al.,	M.C.R. 6460
Maggie Bennett, et al.,	M.C.R. 6433
Robert L. Brookshier, et al.,	M.C.R. 6416
Sallie Sheffield, et al.,	M.C.R. 6354
Gera I. Moon, et al.,	M.C.R. 6376
William E. Sheffield,	M.C.R. 6375
Ollie Adams, et al.,	M.C.R. 6340
Mattie Jim Hardin, et al.,	M.C.R. 6452
Florence Emeline Deel, et al.,	M.C.R. 6415
Graves G. Brookshier, et al.,	M.C.R. 6374
Iullah Shofner, et al.,	M.C.R. 6360
Alexander Graves Haynes, et al.,	M.C.R. 6500
Henry H. Haynes, et al.,	M.C.R. 6459
Lydrel Haynes,	M.C.R. 6477
Ada Bradford, et al.,	M.C.R. 6454
Lura Smith, et al.,	M.C.R. 6458
Marvin Edwards, et al.,	M.C.R. 6457
Harriet Cobb, et al.,	M.C.R. 6355
Sallie Cobb,	M.C.R. 6384
Warren Cobb,	M.C.R. 6392

John E. Cobb, et al.,	M.C.R. 6393
Ida Cobb,	M.C.R. 6385
Andrew Warren Haynes, et al.,	M.C.R. 6417
Ezra B. Key, et al.,	M.C.R. 6455
Sallie C. Fisher,	M.C.R. 6998
Andrew Duff,	M.C.R. 6999
Bettie Milan,	M.C.R. 6456
Harper Haynes, et al.,	M.C.R. 6418
Mary Jane Wilcher, et al.,	M.C.R. 6983
Wallace H. Wilcher, et al.,	M.C.R. 7296
A. Y. Wilcher, et al.,	M.C.R. 6984
Billy P. Wilcher,	M.C.R. 7327
Georgie A. Davis, et al.,	M.C.R. 6453
John A. Long, et al.,	M.C.R. 7018
Willie A. Swinny, et al.,	M.C.R. 7016
Murphy Long Kinsey, et al.,	M.C.R. 7017
Arkie Snow, et al.,	M.C.R. 6381

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Sarah E. Babb for herself; by Winnie Stegner for herself and her two minor children, John Mitchell and Judeen Stegner; by James W. Mitchell for himself and his minor child, Gladys Earl Mitchell; by Arreleus Mitchell for himself and his five minor children, Blant P., Nancy A., Orin, Iva R. and Lois F. Mitchell; by Robert Mitchell for himself; by Oscar G. Mitchell for himself; by Ellie Nora Spikes for herself and her three minor children, James M., Joseph O. and Lyma N. Spikes; by John Stegner for his two minor children, Doyle and Alva R. Stegner; by James Pierce Berry for himself and his four minor children, Willie, Ira, Winnie and Sallie Berry; by Clarissa Hardin for herself and her four minor children, Willie, Kate, William and Fell Hardin; by Remy Hardin for herself and her two minor children, Dewey and Annie Hardin; by Tildis Hardin for himself and his minor child, Forest Hardin; by Lillie Cassidy for herself and

her two minor children, Gertrude and Monroe Cassidy; by Maggie Biggs for herself and her five minor children, Neta, Jennie, Harry, Henry and Connie Biggs; by Stephana Morris for herself and her minor child, Vrencia Morris; by Willie Tubbs for herself and her minor child, Fay Tubbs; by Robert Conn for himself and his two minor children, Bessie and Sam Conn; by Essie Deel for herself and her four minor children, George, William, Peter and John Deel; by Mattie Adams for herself and her three minor children, Leon, Quincy and Ila Adams; by Lena Daniels for herself and her four minor children, Timmie, Katie, Ray and Esther Daniels; by Maggie Bennett for herself and her two minor children, Willie and Robert Bennett; by Robert L. Breckshier for himself and his six minor children, Sallie Emma, Cora Estelle, Bettie Kate, Annie Belle, Ruthie Lee and John Bascom Breckshier; by Sallie Sheffield for herself and her six minor children, Turner, Etta, Orvil, Leater, Ruth and Stella Sheffield; by Cora I. Moon for herself and her three minor children, Allie Beulah, Earl and Clarence Moon; by William E. Sheffield for himself; by Ollie Adams for herself and her minor child, Earnest Adams; by Mattie Jim Hardin for herself and her eight minor children, Obara, Ansi, Levi, Teola, Hiram, Deaky, J. B. and Sevetra Hardin; by Florence Eneline Deel for herself and her eight minor children, Jimmie, Ivan, Henry, Bertie, Allie, Florence, Adram and Jewel Deel; by Graves G. Breckshier for himself and his five minor children, Vernon, Ula Belle, Ovid Warner, Willie Graves and Octavanes Breckshier; by Lullah Shefner for herself and her two minor children, William Greilly and Masey Shefner; by Alexander Graves Haynes for himself, his wife, Octavanes Haynes, and his two minor children, Georgie and Fred Haynes; by Henry H. Haynes for himself and his two minor children, Halsey and Alice Haynes; by Lydrel Haynes for himself; by Ada Bradford for herself and her minor child,

Allene Bradford; by Lura Smith for herself and her two minor children, Kittie and Effie Smith; by Marvin Edwards for herself and her minor child, Thelma Edwards; by Harriet Cobb for herself and her two minor children, Emma and William Cobb; by Sallie Cobb for herself; by Warren Cobb for himself; by John K. Cobb for himself and his minor child, Clyde L. Cobb; by Ida Cobb for herself; by Andrew Warren Haynes for himself and his six minor children, Warren Deel, Mark, John Denny, Sarah Caroline, Harper and Mabel Haynes; by Emma B. Key for herself and her two minor children, Emma I. and Calvin D. Key; by Sallie C. Fisher for herself; by Andrew Duff for himself; by Bettie Milam for herself; by Harper Haynes for himself and his seven minor children, May, Hattie, J. R., Willie, Woodie, Aleck and Rufus Haynes; by Mary Jane Wilcher for herself and her four minor children, Maggie, Versie, Hattie and Henry Wilcher; by Wallace H. Wilcher for himself and his two minor children, Fay O. and Glee W. Wilcher; by A. Y. Wilcher for himself and his minor child, Henry M. Wilcher; by Willie P. Wilcher for himself; by Georgie A. Davis for herself and her four minor children, Everett, Mandie, Ocie and Eudena Davis; by John A. Long for himself and his five minor children, Birdie C., Virginia A., John A., William A. and Wilkerson C. Long; by Willie A. Swinny for herself and her two minor children, Verne M. and Been Swinny; by Murphy Long Kinsey for herself, her minor child, Stella May Kinsey, and her minor niece and nephew, Vera and Wayne Pratt; and by Arkie Snow for herself and her five minor children, Mandie, Been, Clyde, George and Willie May Snow, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts

necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants either of James (or Jim) Brookshier (or Broekeshier, or Brookshire, or Old Blue Skin), or Sallie (or Sally) Brookshier (or Broekeshier, or Brookshire), nee Graves, (Indian name O-ho-yan, or O-ho-yah), or Nancy (or Lucy) Haynes, nee Nelson, or John Haynes, who are alleged to have been Choctaw Indians, degree of blood not positively stated, and the two former of whom to have resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty, or Eldira Dandridge, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said James (or Jim) Brookshier (or Broekeshier, or Brookshire, or Old Blue Skin), or Sallie (or Sally)

Brookshier (or Brekeshier, or Brookshire) nee Graves (Indian name O-ho-yan, or O-ho-yah), or Nancy (or Lucy) Haynes, nee Nelson, or John Haynes, or Eldira Dandridge, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah E. Babb, Winnie Stogner, John Mitchell, Judson Stogner, James W. Mitchell, Gladys Earl Mitchell, Arrelous Mitchell, Blant P. Mitchell, Nancy A. Mitchell, Orin Mitchell, Iva H. Mitchell, Lois F. Mitchell, Robert Mitchell, Oscar G. Mitchell, Ellis Nora Spikes, James M. Spikes, Joseph O. Spikes, Lyma W. Spikes, Doyle Stogner, Alva R. Stogner, James Pierce Berry, Willie Berry, Ira Berry, Winnie Berry, Sallie Berry, Clarissa Hardin, Willis Hardin, Kate Hardin, William Hardin, Pell Hardin, Rexy Hardin, Dewey Hardin, Annie Hardin, Tildin Hardin, Forest Hardin, Lillie Cassidy, Gertrude Cassidy, Monroe Cassidy, Maggie Biggs, Meta Biggs, Jonnie Biggs, Harry Biggs, Henry Biggs, Connie Biggs, Stephana Morris, Vronde Morris, Willie Tubb, Fay Tubb, Robert Conn, Pessie Conn, Sam Conn, Essie Deel, George Deel, William Deel, Peter Deel, John Deel, Mattie Adams, Leon Adams, Quincy Adams, Ila Adams, Lena Daniels, Timmie Daniels, Katie Daniels, Ray Daniels, Esther Daniels, Maggie Bonnett, Willie Bonnett, Robert Bonnett, Robert L. Brookshier, Sallie Emma Brookshier, Cora Estelle Brookshier, Bettie Kate Brookshier, Annie Belle Brookshier, Ruthie Lee Brookshier, John Basson Brookshier, Sallie Sheffield, Turner Sheffield, Etta Sheffield, Orvil Sheffield, Lester Sheffield, Ruth

Sheffield, Stella Sheffield, Cora I. Moon, Allie Beulah Moon, Earl Moon, Clarence Moon, William E. Sheffield, Ollie Adams, Earnest Adams, Mattie Jim Hardin, Obera Hardin, Anzi Hardin, Levi Hardin, Teola Hardin, Hiram Hardin, Dosky Hardin, J. B. Hardin, Sevetra Hardin, Florence Emeline Deel, Jimmie Deel, Ivan Deel, Henry Deel, Bertie Deel, Allie Deel, Florena Deel, Adran Deel, Jewel Deel, Graves G. Brookshier, Vernon Brookshier, Ula Belle Brookshier, Ovid Warner Brookshier, Willie Graves Brookshier, Octavanes Brookshier, Lullah Shofner, William Creilly Shofner, Masey Shofner, Alexander Graves Haynes, Octavanus Haynes, Georgie Haynes, Fred Haynes, Henry H. Haynes, Maley Haynes, Alice Haynes, Lydrel Haynes, Ada Bradford, Allene Bradford, Lura Smith, Kittie Smith, Effie Smith, Marvin Edwards, Thelma Edwards, Harriet Cobb, Emma Cobb, William Cobb, Sallie Cobb, Warren Cobb, John E. Cobb, Clyde L. Cobb, Ida Cobb, Andrew Warren Haynes, Warren Deel Haynes, Mark Haynes, John Denny Haynes, Sarah Caroline Haynes, Harper Haynes, Mabel Haynes, Emma B. Key, Emma I. Key, Calvin D. Key, Sallie C. Fisher, Andrew Duff, Bettie Milam, Harper Haynes (2), May Haynes, Hattie Haynes, J. B. Haynes, Willie Haynes, Woody Haynes, Aleck Haynes, Rufus Haynes, Mary Jane Wilcher, Maggie Wilcher, Versie Wilcher, Hattie Wilcher, Henry Wilcher, Wallace H. Wilcher, Fay O. Wilcher, Cleo W. Wilcher, A. Y. Wilcher, Henry M. Wilcher, Billy P. Wilcher, Georgie A. Davis, Everett Davis, Mandie Davis, Ocie Davis, Rudona Davis, John A. Long, Birdie C. Long, Virginia A. Long, John A. Long (2), William A. Long, Wilkerson C. Long, Willie A. Swinney, Verne M. Swinny, Boen Swinny, Murphy Long Kinsey, Stella May Kinsey, Vera Pratt, Wayne Pratt, Arkine Snow, Mandie Snow, Boen Snow, Clyde Snow, George Snow and Willie May Snow, as Choctaw Indians entitled to

rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamo Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 29, 1902.

Emeline Conn, being first duly sworn, as a witness testified as follows in the matter of the applications of

Nessie Deel, et al.,	M.C.R. 6353
Sallie Sheffield, et al.,	M.C.R. 6354
Sarah E. Babb,	M.C.R. 6356
Winnie Stogner, et al.,	M.C.R. 6357
Clarissa Harden, et al.,	M.C.R. 6358

for identification as Mississippi Choctaws:

Examination by the Commission:

- Q What is your name? A Emeline Conn.
Q What is your post office address.
A Ferris Texas.
Q What is your age? A Eighty-two.
Q Are you related to all of these applicants? A Yes sir; they are my nieces and some my children.
Q Do they all claim through the same common ancestor Jim Brookshier? A Yes sir.
Q Was Jim Brookshier your father? A Yes sir.

Examination by J. O. Pool attorney for applicants:

- Q Was Jim Brookshier a Choctaw Indian or a white man? A He was a Choctaw Indian.
Q Resided in Mississippi in 1830? A Yes sir.
Q Did he apply to the United States Indian agent Colonel Ward to be registered and become a citizen of the states and take land under the fourteenth article of the treaty of 1830? A Yes sir.
Q Did Colonel Ward register him or not? A I don't know.
Q What did he do; was he rejected or registered? A I never knowed.
Q What did your father tell you? A My father said so.
Q Your father said that he was rejected? A Yes sir.
Q And what did your father say that he told him to do? A To go west with his own tribe.
Q These are the granddaughters of James Brookshier that you are testifying for? A Yes sir.

Examination by the Commission:

- Q Your health is not very good is it Mrs. Conn? A No, it hasn't been now for a few days.
Q And I suppose it's very hard for you to recollect some of these things isn't it? A Yes sir; I can't think of them correctly as I ought to.
Q How long has your memory been that way? A Well it's been about a year, by degrees.
Q Sometimes you can recollect better than others I suppose.
A O, yes.

Emeline Conn 3

- Q Do you find it harder to recollect when you are a little excited and bothered? A Yes sir it is; when a body dont feel well they cant recollect as well.
- Q Are you bothered and flustered to-day; does it bother you to come up here? A No sir; it aint bothering me.
- Q What you were testifying to about your father is your own recollection of what he has told you? A Yes sir.
- Q You dont recollect it all I suppose? A No sir I dont recollect; if it was called over to me I would know.
- Q If you were reminded I suppose you could then recollect?
- A Yes sir.

—O—

This witness is eighty two years old and feeble in health as well as in mind; her recollection is impaired by old age; she has given the best she can, facts relating to her father and his having complied with article fourteen of the treaty of 1850; this testimony given by her is family history and tradition, based upon her remembrance in her present condition.

—O—

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of October 1902 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 3rd day of November 1902.

Charles H. Sawyer
Notary Public,

West

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 28, 1902.

In the matter of the application of Sarah E. Babb for
identification as a Mississippi Choctaw.

Applicant represented by J. G. Pool, Attorney at Law.

Sarah E. Babb being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah E. Babb.
Q What is your age? A Sixty.
Q What is your post office address? A Ferris Texas.
Q How long have you lived there? A I lived there about twenty-six years.
Q Where were you born? A Born in Alabama.
Q Where in Alabama? A Marshall County Alabama.
Q From there you went to what state? A Went to Mississippi.
Q And lived there where? A In Tishomingo County.
Q Then you went where? A Tennessee, McNary County.
Q And from Tennessee you went where? A Back to Mississippi.
Q And then to Texas? A Back to Tennessee.
Q And then where did you go? A Went to Texas.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Martin H. Berry.
Q What is your mother's name? A Her maiden name was Emline Brookshire.
Q Through which parent do you claim Choctaw blood - Brookshire?
A Through my mother.
Q How much Choctaw blood do you claim A One quarter I suppose.
Q Your mother was one half? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q You say you have one son? A One daughter.
Q Is she under or over age? A Over.
Q You have no children under age? A No sir.
Q What is the name of the daughter who is over age? A Johnnie Cox.
Q What is her address? A Ferris Texas.
Q Has she any children? A She has three.
Q What are the names of the children? A Anna Lee, Logan, Rubie.
Q You say your husband is not living now? A No sir.
Q What was his name? A John M. Babb.
Q He is the father of this daughter who is over age? A Yes sir.
Q You claim for yourself do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q This is your first application of any kind is it for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now want to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir; not thoroughly; not well enough to tell it.

The treaty of 1830 which was sometimes called the treaty of Dancing Rabbit Creek was made in Mississippi at a place by the name of Dancing Rabbit Creek on the 27th day of September 1830 and was made for the purpose of removing the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of these Indians who stayed back in the old Choctaw nation article fourteen was drafted and put into the treaty; then the treaty was signed and afterwards on the 24th day of February 1831 was ratified. Now article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now that is article fourteen of the treaty of Dancing Rabbit Creek under which you make this application this afternoon.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty. A None but my grandfather.
- Q His name was what? A Jim Breakshier.
- Q Grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A He had half.
- Q How do you know he complied with article fourteen of the treaty of 1830.
- A Well I only heard it from tradition.
- Q Have you any record of it? A No sir I have no record. But I've been taught that he did.
- Q How do you know what he did when he attempted to comply with that article or did comply with it; what did he do?
- A After that?

- Q What did he do; what was his act of compliance; he had to do something; now what was it he did when he attempted to comply with article fourteen? A He went there and made application I suppose.
- Q He went where? A He went to the ---
- Q Indian agent? A Yes sir.
- Q Colonel Ward? A Colonel Ward; that's what I meant.
- Q Where was he at that time? A Colonel Ward; he was in Mississippi.
- Q Now you say he went to him and made application? A Uhuh.
- Q What was his application; what did he want? A He went there to see him about -- I suppose -- about getting land or scrip or his rights as he called it.
- Q What did he say if you know. A I've only been told that he told him to go west to his own tribe; I believe that's his remark.
- Q Who in particular told you that? A I heard my mother say so and I heard my uncles say so; I don't know just exactly whether I heard ever heard my grandfather say so or not.
- Q Did you know Jim Brookshier? A I knew Jim Brookshier.
- Q But you don't remember hearing him say that? A I've heard him say -- he talked like he had rights.
- Q Did he speak the Choctaw language? A I never heard him speak any.
- Q Did he have any other name; any Indian name other than this one of Jim Brookshier if you know. A I don't remember.
- Q Some of them had Indian names? A Well now it's a mighty funny name but that's the name I've heard them speak -- Old Blue Skin, was what they called him when I was a child, and I thought it was an awful funny name to call my grandfather.
- Q That's more of an English nick-name than a Choctaw name. Now did he live in that old Choctaw Nation upon land which he received from the government under article fourteen and at the end of the five years did he receive from the government a patent to it? A No sir I don't think he did.
- Q Did he own or get any land under article fourteen from the government? A Not that I ever knew of, or heard of.
- Q Did he go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty or at any other time?
- A I don't know.
- Q Did he or any Choctaw ancestor of yours live in the old Choctaw Nation in 1830 and have a family there then?
- A Yes sir I think so. He did at that time.
- Q And was the head of a family there at that time? A Yes sir.
- Q And being the head of a family there then you think he attempted to comply with article fourteen of the treaty of 1830?
- A Yes sir.

The Indians who remained back in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified if they wanted to the advantage of that article fourteen were required to go to this Colonel Ward the agent within six months from the ratification of the treaty and register under him as Indians who wanted to take advantage of article fourteen; now a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; because of his neglect many Indians who had land in the old Choctaw Nation upon which they had improvements lost both their land and their improvements; both were taken from them by the government and sold at its pub-

lic land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3 of that year a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another commission was appointed by Congress for the same purpose under an act approved August 23 of that year; this commission went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Now did any of your Choctaw ancestors go before either of these two commissions and claim any benefits as Choctaw Indians under that treaty? A None but my grandfather.
- Q Do you know whether he went before either of these commissions? You say that he went before Colonel Ward; did he go before Ward and the commission too. A I don't know if he did or not.
- Q Some went before Ward and failed to get their rights there and afterwards went before one of these commissions and did get their rights before them but you don't know whether your ancestor did? A I don't know that they did.

A good many Indians received scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas; this scrip was issued to Choctaw Indians by an act of Congress approved August 23 1842 and was given to those Indians who proved their rights under article fourteen and also proved that the government had taken their land from them and sold it.

- Q Do you know whether any of your Choctaw ancestors Jim Brookhiser or any other received any scrip from the government? A No sir.
- Q Do you speak the Choctaw language or understand it? A No sir.
- Q What relation is Essie Deel to you? A She's an own cousin.
- Q And Sallie Sheffield? A Same,
- Q Harriet Cobb? A Same.
- Q They all claim through the same common ancestor; do you want to have your case and their united? A Well it will do just as well went it.
- Q Have you any other evidence you want to present at this time? A No I don't know as I have.
- Q Any questions.
- A (By attorney) None I believe Judge.

Thirty days time is allowed this applicant in which to furnish testimony in support of this claim.

Applicant has the appearance of a white person; has hazel eyes; dark brown hair; medium fair complexion; has no knowledge of the Choctaw language and her knowledge of compliance on the part of her ancestor with article fourteen of the treaty of 1830 is based upon family history and tradition.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five

Sarah M. Babb

Civilized tribes she reported in full all proceedings had in the above entitled cause on the 28th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Sarah M. Babb

Subscribed and sworn to before me this 31st day of October 1902.

Charles H. Harrison

Notary Public

M.C.R.6358

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 29, 1902.

Harriet Emily Cobb being first duly sworn testified as a witness, as follows, in the matter of the applications of

Hessie Deal, et al.,	M.C.R.6353
Sallie Sheffield, et al.,	M.C.R.6354
Sarah M. Babb,	M.C.R.6355
Winnie Stogner, et al.,	M.C.R.6357
Clarissa Harden, et al.,	M.C.R.6358

for identification as Mississippi Choctaws:

Examination by the Commission:

- Q What is your full name? A Harriet Emily Cobb.
Q What is your post office address? A Ferris Texas.
Q What is your age? A Fifty eight.
Q Are you an applicant to be identified as a Mississippi Choctaw before this Commission? A Yes sir.
Q Are you acquainted with the above parties? A Yes sir..
Q Are they all related to you? A Yes sir.
Q And do they all claim through the same common ancestor, through whom you claim? A Yes sir.

Examination by J. O. Pool, Attorney for applicant:

- Q Now Mrs. Cobb these parties are the grandchildren of one James Brookshier? A Yes sir the grandchildren - except Dullah.
Q We aint talking about Dullah; we are talking about these others they are the grandchildren of James Brookshier. A Yes sir.
Q Was James Brookshier a Choctaw Indian or a white man?
A He was a Choctaw Indian.
Q Did he live in the Choctaw Nation in Mississippi during the days of 1830? A I dont know.
Q You don't know whether he lived there? A No sir.
Q Did he ever live in Mississippi? A Yes sir.
Q He lived in Mississippi but you dont know exactly what time?
A No sir I have no remembrance of that.
Q Did you ever see him? A Yes sir.
Q What kind of looking man was he? A Well he was an Indian.
Q Have you been accustomed to seeing Indians all your life?
A Yes.
Q Do you readily know an Indian just as soon as you see it?
A Yes sir.
Q You can tell them from a white person? A Yes sir.
Q If you was to meet a person of the complexion and looks of James Brookshier what would you take him to be as to national ity; what would you take him to be immediately. A I would take him to be half or more than half Indian.

Harriet Emily Cobb 2

- Q What was his color. A Well he was - not the darkest chocolate; the real dark kind; reddish chocolate color.
- Q Do you know of your own knowledge or otherwise whether James Brookshier, the grandfather of this applicant applied to the United States agent Ward in Mississippi within six months after the ratification of the treaty of Dancing Rabbit Creek to be registered and become a citizen of the states and take land, there or not? A He applied, yes sir.
- Q Did you say of your own personal knowledge? A No sir.
- Q Do you know when he applied whether he was registered by Colonel Ward or not? A I dont know.
- Q What is your knowledge as to whether he was registered or rejected. A It is said that he was rejected and told to go west to his tribe.
- Q And you say that your information was that James Brookshier did apply to Ward within the time prescribed, six months after the ratification of the treaty and that Ward refused to register him? A Yes sir.
- Q And ordered him to go west with his tribe? A Yes sir.
- Q Do you know or have you ever heard as to whether James Brookshier after that time applied to the commissions which was appointed, one in 1837 and one in 1842 I believe? A I dont know.
- Q Did he have a wife or there? A Not as I know of.
- Q Fessie Deal and Callie Sheffield are sisters aren't they? A Yes sir.
- Q Did their mother have any Indian blood? A I dont know.
- Q And Mrs. Babb, Mrs. Harden, Mrs. Stagner and another one (I forgot the name) are all sisters of the same father and mother? A Yes sir.
- Q And were the descendants of James Brookshier? A Yes sir.

Examination by the Commission:

- Q Your information Mrs. Cobb in reference to the compliance of the ancestors of these people with article fourteen is based upon family history and tradition is it? A Yes sir.
- Q You know only what you have heard in the family? A Yes sir.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 3rd day of November 1902.

Charles H. Sawyer

Notary Public.

- Q What was his color. A Well he was - not the darkest chocolate; the real dark kind; reddish chocolate color.
- Q Do you know of your own knowledge or otherwise whether James Brookshier, the grandfather of this applicant applied to the United States agent Ward in Mississippi within six months after the ratification of the treaty of Dancing Rabbit Creek to be registered and become a citizen of the states and take land there or not? A He applied, yes sir.
- Q Did you say of your own personal knowledge? A No sir.
- Q Do you know when he applied whether he was registered by Colonel Ward or not? A I dont know.
- Q What is your knowledge as to whether he was registered or rejected. A It is said that he wa s rejected and told to go west to his tribe..
- Q And you say that your information was that James Brookshier did apply to Ward within the time prescribed, six months after the ratification of the treaty and that Ward refused to register him? A Yes sir.
- Q And ordered him to go west with his tribe? A Yes sir.
- Q Do you know or have you ever heard as to whether James Brookshier after that time applied to the commissions which was appointed, one in 1837 and one in 1842 I believe?
- A I dont know.
- Q Did he have a name ever there? A Not as I know of.
- Q Essie Deal and Hallie Sheffield are sisters aren't they?
- A Yes sir.
- Q Did their mother have any Indian blood? A I dont know..
- Q And Mrs. Babb, Mrs. Harden, Mrs. Stegner and another one (I forgot the name) are all sisters of the same father and mother?
- A Yes sir.
- Q And were the descendants of James Brookshier? A Yes sir.

Examination by the Commission:

- Q Your information Mrs. Cobb in reference to the compliance of the ancestors of these people with article fourteen is based upon family history and tradition is it? A Yes sir.
- Q You know only what you have heard in the family? A Yes sir.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 3rd day of November 1902.

Charles H. Sawyer

Notary Public.

M.C.R. 0350.

Muskogee, Indian Territory, January 10, 1905.

J.O. Pool,

Attorney at Law,

Waco, Texas.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of
Lewis Williams and Hetty Frasier which you offer for filing in the
consolidated Mississippi Choctaw case of Sarah E. Babb, et al.

The same have been duly filed with the record in this
case.

Respectfully,

Commissioner in Charge.

M C R 6356
M C R 7018

Muskogee, Indian Territory, April 15, 1903.

J. O. Pool,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 7, 1903, enclosing certified copy of marriage certificate between J. A. Long and Miss Virginia Stovall offered in support of the Mississippi Choctaw case of John A. Long, et al., M C R 7018, and the same has been filed with the record in that case. Also affidavit of Berry Brown offered in support of the Mississippi Choctaw case of Sarah H. Babb, et al. The same has been duly filed with the record in that case.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

417A

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6356

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 5, 1904.

Sarah E. Babb,

Port Gibson, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,



Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 8, 1904.

Benj. Martin, Jr.,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah A. Babb, et al., which embraces the following cases:

Sarah A. Babb,	M.C.R. 6386,
Vinnie Stogner, et al.,	M.C.R. 6387,
James W. Mitchell, et al.,	M.C.R. 6996,
Arrelous Mitchell, et al.,	M.C.R. 6390,
Robert Mitchell,	M.C.R. 6389,
Oscar G. Mitchell,	M.C.R. 7019,
Ellie Nora Spikes, et al.,	M.C.R. 6997,
Doyle Stogner, et al.,	M.C.R. 6391,
James Pierce Berry, et al.,	M.C.R. 6499,
Clarissa Hardin, et al.,	M.C.R. 6388,
Roxy Hardin, et al.,	M.C.R. 6387,
Tildin Hardin, et al.,	M.C.R. 6388,
Lillie Cassidy, et al.,	M.C.R. 6386,
Margie Biggs, et al.,	M.C.R. 6359,
Stephana Morris, et al.,	M.C.R. 6382,
Willie Tubb, et al.,	M.C.R. 6383,
Robert Conn, et al.,	M.C.R. 6692,
Essie Deel, et al.,	M.C.R. 6353,
Mattie Adams, et al.,	M.C.R. 6379,
Bona Daniels, et al.,	M.C.R. 6460,
Maggie Bonnett, et al.,	M.C.R. 6433,

Robert L. Brookshier, et al.,	M.C.R. 6416,
Sallie Sheffield, et al.,	M.C.R. 6384,
Sora I. Moon, et al.,	M.C.R. 6376,
William L. Sheffield,	M.C.R. 6375,
Ollie Adams, et al.,	M.C.R. 6380,
Mattie Jim Hardin, et al.,	M.C.R. 6452,
Florence Emeline Deol, et al.,	M.C.R. 6410,
Graves G. Brockshier, et al.,	M.C.R. 6374,
Eullah Shofner, et al.,	M.C.R. 6360,
Alexander Graves Haynes, et al.,	M.C.R. 6500,
Henry H. Haynes, et al.,	M.C.R. 6459,
Lydrel Haynes,	M.C.R. 6477,
Ada Bradford, et al.,	M.C.R. 6454,
Lura Smith, et al.,	M.C.R. 6458,
Marvin Edwards, et al.,	M.C.R. 6457,
Harriet Cobb, et al.,	M.C.R. 6355,
Sallie Cobb,	M.C.R. 6384,
Warren Cobb,	M.C.R. 6392,
John A. Cobb, et al.,	M.C.R. 6393,
Ida Cobb,	M.C.R. 6385,
Andrew Warren Haynes, et al.,	M.C.R. 6417,
Emma B. Key, et al.,	M.C.R. 6455,
Sallie C. Fisher,	M.C.R. 6998,
Andrew Duff,	M.C.R. 6999,
Bettie Milam,	M.C.R. 6456,
Harper Haynes, et al.,	M.C.R. 6418,
Lary Jane Wilcher, et al.,	M.C.R. 6983,
Wallace H. Wilcher, et al.,	M.C.R. 7296,
A. Y. Wilcher, et al.,	M.C.R. 6984,
Willy E. Wilcher,	M.C.R. 7327,
Georgie A. Davis, et al.,	M.C.R. 6453,
John A. Long, et al.,	M.C.R. 7018,
Willie A. Swinny, et al.,	M.C.R. 7016,
Murphy Long Kinsey, et al.,	M.C.R. 7017,
Arkie Snow, et al.,	M.C.R. 6381,

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such argu-

B. L. Jr., 3.

COPY.

ments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 5, 1904.

J. O. Pool,

Attorney-at-Law,

Nocona, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb, et al., which embraces the following cases:

Sarah E. Babb,	M.C.R. 6386,
Winnie Stogner, et al.,	M.C.R. 6387,
James W. Mitchell, et al.,	M.C.R. 6996,
Arrelous Mitchell, et al.,	M.C.R. 6390,
Robert Mitchell,	M.C.R. 6389,
Oscar G. Mitchell,	M.C.R. 7019,
Ellie Nora Spikes, et al.,	M.C.R. 6997,
Boyle Stogner, et al.,	M.C.R. 6391,
James Pierce Berry, et al.,	M.C.R. 6499,
Clarissa Hardin, et al.,	M.C.R. 6388,
Roxy Hardin, et al.,	M.C.R. 6387,
Tildin Hardin, et al.,	M.C.R. 6388,
Lillie Cassidy, et al.,	M.C.R. 6386,
Maggie Biggs, et al.,	M.C.R. 6389,
Stephana Morris, et al.,	M.C.R. 6382,
Willie Tubb, et al.,	M.C.R. 6383,
Robert Conn, et al.,	M.C.R. 6692,
Hessie Deol, et al.,	M.C.R. 6383,
Mattie Adams, et al.,	M.C.R. 6379,
Lena Daniels, et al.,	M.C.R. 6460,
Maggie Bonnett, et al.,	M.C.R. 6433,

Robert L. Brookshier, et al.,	M.C.R. 6416.
Sallie Sheffield, et al.,	M.C.R. 6384.
Gora I. Moon, et al.,	M.C.R. 6376.
William E. Sheffield,	M.C.R. 6378.
Ollie Adams, et al.,	M.C.R. 6380.
Mattie Jim Hardin, et al.,	M.C.R. 6452.
Florence Maxine Deel, et al.,	M.C.R. 6415.
Graves G. Brookshier, et al.,	M.C.R. 6374.
Iullah Shofner, et al.,	M.C.R. 6360.
Alexander Graves Haynes, et al.,	M.C.R. 6500.
Henry H. Haynes, et al.,	M.C.R. 6459.
Lydrel Haynes,	M.C.R. 6477.
Ada Bradford, et al.,	M.C.R. 6454.
Lura Smith, et al.,	M.C.R. 6458.
Marvin Edwards, et al.,	M.C.R. 6457.
Harriet Cobb, et al.,	M.C.R. 6385.
Sallie Cobb,	M.C.R. 6384.
Warren Cobb,	M.C.R. 6392.
John B. Cobb, et al.,	M.C.R. 6393.
Ida Cobb,	M.C.R. 6385.
Andrew Warren Haynes, et al.,	M.C.R. 6417.
Emma B. Key, et al.,	M.C.R. 6455.
Sallie C. Fisher,	M.C.R. 6998.
Andrew Duff,	M.C.R. 6999.
Bettie Milam,	M.C.R. 6456.
Harper Haynes, et al.,	M.C.R. 6418.
Mary Jane Wilcher, et al.,	M.C.R. 6983.
Wallace H. Wilcher, et al.,	M.C.R. 7296.
A. Y. Wilcher, et al.,	M.C.R. 6984.
Billy P. Wilcher,	M.C.R. 7327.
Georgie A. Davis, et al.,	M.C.R. 6453.
John A. Long, et al.,	M.C.R. 7018.
Willie A. Swinny, et al.,	M.C.R. 7016.
Murphy Long Kinsey, et al.,	M.C.R. 7017.
Arkie Snow, et al.,	M.C.R. 6381.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such argu-

J. O. P., 3.

ments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. E. Neeson.
Commissioner in Charge.

Registered.

M C R 6356

COPY.

Muskogee, Indian Territory, April 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb, et al.,

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

T. B. Nease.

Enc MCR-6356

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Sarah E. Babb, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The above consolidated case embraces the following original applications heard by the Commission.

Sarah E. Babb,	M C R 6356
Winnie Stogner, et al.,	M C R 6357
James W. Mitchell, et al.,	M C R 6996
Arrelous Mitchell, et al.,	M C R 6390
Robert Mitchell,	M C R 6389
Oscar G. Mitchell,	M C R 7019
Ellie Nora Spikes, et al.,	M C R 6987
Doyle Stogner, et al.,	M C R 6391
James Pierce Berry, et al.,	M C R 6499
Clarissa Hardin, et al.,	M C R 6358
Roxy Hardin, et al.,	M C R 6387
Tildin Hardin, et al.,	M C R 6388
Lillie Cassidy, et al.,	M C R 6386
Maggie Biggs, et al.,	M C R 6359
Stephana Morris, et al.,	M C R 6382
Willie Tubb, et al.,	M C R 6383
Robert Conn, et al.,	M C R 6692
Essie Deel, et al.,	M C R 6353
Mattie Adams, et al.,	M C R 6379
Lena Daniels, et al.,	M C R 6460
Maggie Bonnett, et al.,	M C R 6433
Robert L. Brookshier, et al.,	M C R 6416
Sallie Sheffield, et al.,	M C R 6354

Secretary 2.

Oora I. Moon, et al.,	M. C. R. 6376
William E. Sheffield,	M. C. R. 6375
Ollie Adams, et al.,	M. C. R. 6380
Mattie Jim Hardin, et al.,	M. C. R. 6452
Florence Melina Deel, et al.,	M. C. R. 6415
Graves O. Brookshier, et al.,	M. C. R. 6374
Lullah Shofner, et al.,	M. C. R. 6360
Alexander Graves Haynes, et al.,	M. C. R. 6500
Henry H. Haynes, et al.,	M. C. R. 6459
Lydrel Haynes,	M. C. R. 6477
Ada Bradford, et al.,	M. C. R. 6454
Lura Smith, et al.,	M. C. R. 6458
Marvin Edwards, et al.,	M. C. R. 6457
Harriet Cobb, et al.,	M. C. R. 6355
Sallie Cobb,	M. C. R. 6384
Warren Cobb,	M. C. R. 6392
John L. Cobb, et al.,	M. C. R. 6395
Ira Cobb,	M. C. R. 6388
Andrew Warren Haynes, et al.,	M. C. R. 6417
Bena E. Koy, et al.,	M. C. R. 6455
Sallie G. Fisher,	M. C. R. 6998
Andrew Luff,	M. C. R. 6999
Bettie Milam,	M. C. R. 6456
Harper Haynes, et al.,	M. C. R. 6418
Mary Jane Wilcher, et al.,	M. C. R. 6985
Wallace H. Wilcher, et al.,	M. C. R. 7296
A. Y. Wilcher, et al.,	M. C. R. 6984
Billy F. Wilcher,	M. C. R. 7327
Georgie A. Davis, et al.,	M. C. R. 6483
John A. Long, et al.,	M. C. R. 7018
Willie A. Swinny, et al.,	M. C. R. 7016
Murphy Long Kinsey, et al.,	M. C. R. 7017
Arkie Snow, et al.,	M. C. R. 6381

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter of the action of the Commission, copies

Secretary 3.

of said letters being attached to the record.

There are also transmitted herewith argument by J. O. Pool and supplemental argument by J. D. Cox, attorneys, in relation to this case, filed with the Commission respectively on April 13 and April 21, 1904.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 Encs.: MOR-6356 .

M.C.R. 6356

Muskogee, Indian Territory, April 18, 1904.

J. O. Pool,

Attorney-at-Law,

Kooona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 11, 1904, enclosing brief and argument in support of the consolidated Mississippi Choctaw case of Sarah E. Babb, et al.

In reply to your letter you are informed that such papers will be forwarded, together with the record in this case, to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

J. O. P., 2.

informed that this matter is entirely within their own discretion.

You are further advised that the Commission does not enter into any controversy between applicants and their attorneys, neither has this office advised Mr. Milam that you have not properly represented the applicants in the Mississippi Choctaw case of Sarah E. Babb, et al.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 14, 1904.

J. O. Pool,

Attorney-at-Law,

Nocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the first instant, in which you state that one D. A. Milam, of Fort Gibson, Indian Territory, is writing to some of the applicants in the consolidated Mississippi Choctaw case of Sarah E. Babb, et al., informing them that he has employed an attorney by the name of Cox, who resides at Wagoner, Indian Territory; that the Commission informed him (Milam) that Mr. Pool should have been at Muskogee and defended their case when it was tried before the Commission. You further state that this conveys the idea to those people that you have not properly looked after their interests; that the same is unjust, misleading and injurious to both you and the Commission, and you ask to be advised in regard to the matter.

In reply to your letter you are informed that it has always been the policy of the Commission never to advise applicants as to the employment of the services of an attorney, applicants being

(C O P Y)

LAND 28263-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have a honor to enclose you herewith a report from the Commission to the Five Civilized Tribes transmitting the record of the consolidated applications for identification as Mississippi Choctaws under the 14th article of the treaty of Dancing Rabbit Creek by Sarah E. Babb for herself; by Winnie Stogner for herself and her two minor children, John Mithcell and Judson Stogner; by James W. Mithcell for himself and his minor child, Gladys Earl Mitchell; by Arrelous Mitchell for himself and his five minor children, Blant P., Nancy A., Orin, Iva R., and Lois F. Mitchell; by Robert Mitchell for himself; by Oscar G. Mitchell for himself; by Ellie Nora Spikes for herself and her three minor children, James M., Joseph O. and Lyma N. Spikes; by John Stogner for his two minor children, Doyle and Alva R. Stogner; by James Pierce Berry for himself and his four minor children, Willie, Ira, Winnie and Sallie Berry; by Clarissa Hardin for herself and her four minor children, Willis, Kate, William and Fell

Hardin; by Roxie Hardin for herself and her two minor children, Dorey and Annie Hardin ; by Tilden Hardin for himself and his minor child, Forest Hardin; by Lillie Cassidy for herself and her two minor children, Gertrude and Monroe Cassidy; by Maggie Biggs for herself and her five minor children, Neta, Jonnie, Harry, Henry and Connie Biggs; by Stephana Morris for herself and her minor child, Vrondo Morris; by Willie Tubb for herself and her minor child, Fay Tubb; by Robert Conn for himself and his two minor children, Beattie and Sam Conn; by Essie Deel for herself and her four minor children, George, William, Peter and John Deel; by Mattie Adams for herself and her three minor children, Leon, Quincy and Ila Adams; by Lena Daniels for herself and her four minor children, Timmie, Katie, Ray and Esther Daniels; by Maggie Bonnett for herself and her two minor children, Willie and Robert Bonnett; by Robert L. Brookshier for himself and his six minor children, Sallie Mamma, Cora Estelle, Bettie Kate, Annie Belle, Ruthie Lee and John Bascom Brookshier; by Sallie Sheffield for herself and her six minor children, Turner, Etta, Orvil, Leater, Ruth and Stella Sheffield; by Cora I. Moon for herself and her three minor children, Allie Beulah, Earl and Clarence Moon; by William E. Sheffield for himself;

1. Ollie Adams for herself and her minor child, Earnest Adams; by Mattie Jim Hardin for herself and her eight minor children, Obara, Anni, Levi, Teola, Hiram, Dosky, J.B. and Sevetra Hardin; by Florence Emeline Deel for herself and her eight minor children, Jimmie, Ivan, Henry, Bertie, Allie, Florena, Adran and Jewel Deel; by James G. Brookshier for himself and his five minor children, Vernon, Ula Belle, Ovid Warner, Willie Graves and Octavanes Brookshier; by Lullah Shofner for herself and her two minor children, William Creilly and Masey Shofner; by Alexander Graves Haynes for himself, his wife, Octavanes Haynes, and his two minor children, Georgie and Fred Haynes; by Henry E. Haynes for himself and his two minor children, Haley and Alice Haynes; by Lydrel Haynes for himself; by Ada Bradford for herself and her minor child, Allen Bradford; by Lura Smith for herself and her two minor children, Kittie and Effie Smith; by Marvin Edwards for herself and her minor child, Thelma Edwards; by Harriet Cobb for herself and her two minor children, Emma and William Cobb; by Sallie Cobb for herself; by Warren Cobb for himself; by John Cobb for himself and his minor child, Clyde L. Cobb; by Ida Cobb for herself; by Andrew Warren Haynes for himself and his six minor children, Warren Deel, Mark, John Denny, Sarah Caroline, Harper and Mabel Haynes; by Emma B. Key for herself and her two minor children, Emma I. and Calvin D. Key; by Sallie C. Fisher for herself; by

Andrew Duff for himself; by Bettie Milam for herself; by Harper Haynes for himself and his seven minor children, May, Hattie, J.B., Willie, Woodie, Aleck and Rufus Haynes; by Mary Jane Wilcher for herself and her four minor children, Maggie, Versie, Hattie and Henry Wilcher; by Wallace H. Wilcher for himself and his two minor children, Fay O. and Cleo W. Wilcher; by A.Y. Wilcher for himself and his minor child, Henry M. Wilcher; by Willie P. Wilcher for himself; by Georgie A. Davis for herself and her four minor children, Everett, Mandie, Ocie and Budona Davis; by John A. Long for himself and his five minor children, Birdie C., Virginia A., John A., William A. and Wilkerson C. Long; by Willie A. Swinny for herself and her two minor children, Verne M. and Boon Swinny; by Murphy Lang Kinsey for herself, her minor child, Stella May Kinsey, and her minor niece and nephew, Vera and Wayne Pratt; and by Arkie Snow for herself and her five minor children, Mandie, Boon, Clyde, George and Willie May Snow.

March 15, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, Sarah E. Babb, alleges she was born in 1842; that she claims title as the daughter of Emeline Brookshire Berry, who was the daughter of Jim Brookshire, a one-half blood Choctaw, otherwise known as Old Blue Skin, born in 1802; that Jim Brookshire
322
was living in Mississippi and the head of a family at the

date of the treaty of Dancing Rabbit Creek and applied to Colonel Ward to remain in the old Choctaw Nation; that Colonel Ward refused to so register him; that the wife of Jim Brookshire was Sallie Graves, alleged to be one-half Choctaw Indian, named O-ho-yam.

The record further shows that all the applicants claim title by reason of descent from Jim Brookshire and his wife, Sallie Graves(O-ho-yam) Brookshire.

It does not appear that any of the applicants have been recognized, identified or enrolled as Choctaw, Mississippi, or otherwise. The names of their ancestors, near or remote, are not identified on the records of this office.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

(signed) W.A. Jones,

Commissioner.

1001-VDW

(C O P Y)

D.C. 30956

DEPARTMENT OF THE INTERIOR,

W.C.F.

I.T.D. 6496-1504.

WASHINGTON,

THE

L.R.S.

August 22, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

April 21, 1904, you transmitted the record in the consolidated Mississippi Choctaw case of Sarah E. Babb, et al (M.C.R. 6356), including your decision of March 15, 1904, which was adverse to the applicants.

Reporting in the matter August 13, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, September 26, 1904.

COPY:

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

James Dixby.

Chairman.

Muskogee, Indian Territory, September 26, 1904.

Benjamin Martin, Jr.,
Attorney at Law,
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

SIGNED

Tame Bixby.

Chairman.

M.C.R. 6386

Muskogee, Indian Territory, September 26, 1904.

J. O. Pool,

COPY.

Attorney at Law,

Nocona, Texas,

Dear Sir:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

COMMISSIONERS
TAMM BIXBY.
THOMAS A. NEEDLES.
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

10.0.8.
-SEEK A REPLY TO THE FOLLOWING

M.C.R. 6386

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Wichita, Indian Territory, September 26, 1904.

Sarah E. Babb,

Fort Gibson, Indian Territory,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,



Chairman.

M C R 6386

Muskogee, Indian Territory, May 19, 1908.

J. O. Pool,
Attorney at Law,
Hocoma, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, stating that one R. R. Teot, of Muskogee, has been making false representations to a number of your clients in the consolidated Mississippi Choctaw case of Sarah E. Babb, et al., and requesting, as attorney of record in the case, that no papers in the matter of the application of Sarah E. Babb, et al. be given out to any attorney except yourself.

In reply you are informed that a proper record has been made of your letter.

Respectfully,

Chairman.

M C R 6356

Muskogee, Indian Territory, July 2, 1906.

J. O. Pool,
Attorney at Law,
Hooona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter dated at South McAlester, Indian Territory, June 22, 1906, transmitting petition for readjudication of the consolidated Mississippi Choctaw case of Sarah K. Babb, et al. The petition has this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

Muskogee, Indian Territory, July 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Sarah E. Babb, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of March 15 1904, adverse to the applicants, was, on April 21, 1904, forwarded the Department.

August 22, 1904 (I T D 6496-1904), the Department affirmed the decision of said Commission refusing to identify as Mississippi Choctaws the several persons in the above consolidated case.

June 23, 1906, this office received from J. O. Pool, attorney for the applicants, a petition signed by Maggie Biggs, one of the applicants in the consolidated Mississippi Choctaw case of Sarah E. Babb, et al., praying that the several persons included therein be identified as Mississippi Choctaws or enrolled as citizens by blood of the Choctaw Nation.

The petition is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 7/1

COPY.

DEPARTMENT OF THE INTERIOR,
Office Of Indian Affairs,
Washington.

J. and
57386-1904.
56220-1906.

September 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Department letter of August 22, 1904, (I.T.D. 6496-1904), there is inclosed a report from the Commissioner to the Five Civilized Tribes, dated July 2, 1906, transmitting a petition signed by Maggie Briggs, one of the applicants in the consolidated Mississippi Choctaw case of Sarah E. Babb et al, praying that the several persons included therein be identified as Mississippi Choctaws, or enrolled as Choctaws by blood. The record in the case is also inclosed.

Very respectfully,

F. E. Leupp.

Commissioner.

GAU-KKH.

7 incs.

Y. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FILE.

I.T.D. 17874-1906.
D. C. 43384.

September 26, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

August 22, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Sarah E. Dabb, et al.

September 14, 1906 (Land 84220), the Indian Office submitted your letter of July 2, 1906, transmitting a motion for review in the case. A copy of its letter is inclosed.

No recommendation is made by either you or the Indian Office. The motion presents no question of law or fact bearing upon the case which has not been heretofore considered; it is therefore denied.

The papers in the matter have been returned to the Indian Office.

Respectfully,

(Signed)

Thos. Ryan

Through the Commissioner
of Indian Affairs.

Acting Secretary.

1 inc. and 7 to Ind. Of.

Muskogee, Indian Territory, October 20, 1906.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., which motion was filed in this office June 23, 1906, by J. O. Pool, the attorney of record.

The following is a list of the several claimants in said case which is furnished you in order that you may be able to advise any of such parties, in case they request to designate their prospective allotments, that their case is now closed, and it does not appear that any proceedings are pending at the present time in the matter of their applications for identification as Mississippi Choctaws:

Sarah E. Babb, Winnie Stogner, John Mitchell, Judson Stogner, James W. Mitchell, Gladys Earl Mitchell, Arrelous Mitchell, Elant P. Mitchell, Nancy A. Mitchell, Orin Mitchell, Iva R. Mitchell, Lois P. Mitchell, Robert Mitchell, Oscar G. Mitchell, Ellie Vera Spikes, James M. Spikes, Joseph O. Spikes, Lyma N. Spikes, Doyle Stogner, Alva R. Stogner, James Pierce Berry, Willie Berry, Ira

Berry, Winnie Berry, Sallie Berry, Clarissa Hardin, Willie Hardin, Kate Hardin, William Hardin, Fell Hardin, Roxy Hardin, Dewey Hardin, Annis Hardin, Tildin Hardin, Forest Hardin, Lillie Cassidy, Gertrude Cassidy, Monroe Cassidy, Maggie Biggs, Neta Biggs, Jonnie Biggs, Harry Biggs, Henry Biggs, Connie Biggs, Stephana Morris, Vronde Morris, Willie Tubb, Fay Tubb, Robert Conn, Bessie Conn, Sam Conn, Essie Deel, George Deel, William Deel, Peter Deel, John Deel, Mattie Adams, Leon Adams, Quincy Adams, Ila Adams, Lena Daniels, Timmie Daniels, Katie Daniels, Ray Daniels, Esther Daniels, Maggie Bonnett, Willie Bonnett, Robert Bonnett, Robert L. Brookshier, Sallie Emma Brookshier, Cora Estelle Brookshier, Bettie Kate Brookshier, Annie Belle Brookshier, Ruthie Lee Brookshier, John Bascom Brookshier, Sallie Sheffield, Turner Sheffield, Etta Sheffield, Orvil Sheffield, Lester Sheffield, Ruth Sheffield, Stella Sheffield, Cora I. Moon, Allie Beulah Moon, Earl Moon, Clarence Moon, William E. Sheffield, Ollie Adams, Earnest Adams, Mattie Jim Hardin, Odera Hardin, Anni Hardin, Levi Hardin, Teola Hardin, Hiram Hardin, Dosky Hardin, J. B. Hardin, Sevetra Hardin, Florence Emeline Deel, Jimmie Deel, Ivan Deel, Henry Deel, Bertie Deel, Allie Deel, Florena Deel, Adrian Deel, Jewel Deel, Graves G. Brookshier, Vernon Brookshier, Ula Belle Brookshier, Ovid Warner Brookshier, Willie Graves Brookshier, Octaviana Brookshier, Lullah Shofner, William Greilly Shofner, Masey Shofner, Alexander Graves Haynes, Octaviana Haynes, Georgie Haynes, Fred Haynes, Henry H. Haynes, Haley Haynes, Alice Haynes, Lydrel Haynes, Ada Bradford, Allene Bradford, Lura Smith, Kittie Smith, Effie Smith, Marvin Edwards, Thelma Edwards, Harriet Cobb, Emma Cobb, William Cobb, Sallie Cobb, Warren Cobb, John E. Cobb, Clyde L. Cobb, Ida Cobb, Andrew Warren Haynes, Warren Deel Haynes, Mark Haynes, John Denny Haynes, Sarah Caroline Haynes, Harper Haynes, Mahal Haynes, Emma B. Key, Emma I. Key, Calvin D. Key, Sallie C. Fisher, Andrew Duff, Bettie Milam, Harper Haynes (2), May Haynes, Hattie Haynes, J. B. Haynes, Willie Haynes, Woody Haynes, Aleck Haynes, Rufus Haynes, Mary Jane Wilcher, Maggie Wilcher, Versie Wilcher, Hattie Wilcher, Henry Wilcher, Wallace H. Wilcher, Fay O. Wilcher, Cleo W. Wilcher, A. Y. Wilcher, Henry M. Wilcher, Billy P. Wilcher, Georgie A. Davis, Everett Davis, Mandie Davis, Ocie Davis, Rudona Davis, John A. Long, Birdie C. Long, Virginia A. Long, John A. Long (2), William A. Long, Wilkerson C. Long, Willie A. Swinney, Verne M. Swinney, Boen Swinney, Murphy Long Kinsey, Stella May Kinsey, Vera Pratt, Wayis Pratt, Arkine Snow, Mandie Snow, Boen Snow, Clyde

Cheotaw Land Office - - (3)

Snow, George Snow and Willie May Snow.

Respectfully,

W.M.

Commissioner.

MCR-6356

Muskogee, Indian Territory, October 20, 1906.

Mansfield, McMurray and Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith copy of Departmental letter of September 26, 1906 (I. T. D. 17874-1906), accompanied by the report of the Commissioner of Indian Affairs of September 14, 1906 (Land 57386-1904, 56220-1906), denying the motion filed by J. O. Pool, June 23, 1906, praying that the several persons included in the consolidated Mississippi Choctaw case of Sarah E. Babb et al. be identified as Mississippi Choctaws, or enrolled as Choctaws by blood.

Respectfully,

W.M.
Encl. 20/3

Commissioner.

MCR-6356

Muskogee, Indian Territory, October 20, 1906.

J. O. Pool,
Attorney at Law,
Nocona, Texas.

Dear Sir:

There is enclosed herewith copy of Departmental letter of September 26, 1906 (I.T.D.17874-1906), accompanied by the report of the Commissioner of Indian Affairs of September 14, 1906 (Land 57386-1904, 56220-1906), denying the motion filed by you, June 23, 1906, praying that the several persons included in the consolidated Mississippi Choctaw case of Sarah E. Babb et al. be identified as Mississippi Choctaws, or enrolled as Choctaws by blood.

Respectfully,

W.M.
Encl. 20/1

Commissioner.

MOR-6356

Muskogee, Indian Territory, October 20, 1905.

Benj. Martin, Jr.,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of September 26, 1905 (I.T.O. 17874-1906), accompanied by the report of the Commissioner of Indian Affairs of September 14, 1905 (Land 57386-1904, 56320-1906), denying the motion filed by J. O. Pool, June 23, 1905, praying that the several persons included in the consolidated Mississippi Choctaw case of Sarah E. Babb et al. be identified as Mississippi Choctaws, or enrolled as Choctaws by blood.

Respectfully,

W.M.
Encl. 20/2

Commissioner.

MOR-6386

Muskogee, Indian Territory, October 20, 1906.

Sarah E. Babb,
C/o J. O. Pool,
Nocona, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al.

Respectfully,

Commissioner.

JP
YHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 13649-1906.
17874- "
49175 LRS

November 7, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

With letter of October 31, 1906, there was received from Maggie Biggs an application to reconsider the action of the Department of September 26, 1906, refusing to reopen the Mississippi Choctaw case of Sarah E. Babb, et al, as to certain applicants.

The present application appears to be based upon some vague idea that because, in the opinion of the Assistant Attorney-General for this Department, approved, in the Scott S. Dumas case, some general views were expressed relative to what might be considered proper evidence to show an attempted compliance with the fourteenth article of the treaty of 1830, the applicants in the Babb case have shown, or can show, compliance by their alleged ancestors.

The motion acted upon September 26th. was denied because it presented no new question. It did not answer the rule laid down in the opinion of the Assistant Attorney-General, and furthermore, the opinion of the Assistant Attorney-General accorded with what had always been the practice of the Department in

(2)

Mississippi Choctaw Cases; no new rule was established; every effort had been made to allow the applicants to show an attempted compliance with the said fourteenth article of the treaty of 1830 by their alleged ancestors that was attempted in the case of Scott S. Dumas.

If rehearings are to be allowed in cases of this class, it will be only upon prima facie showings warranting further investigation by means of such rehearings. It must be shown specifically in affidavits in support of motions for rehearings, what opportunities the witnesses proposed to be introduced had of becoming acquainted with the facts alleged in the motion.

Neither the motion disposed of September 26th, nor that under consideration, do this. The motion is denied. Advise the applicant hereof. Her address is South McAlester, Indian Territory, apparently in care of Tarter & Hammond.

The motion has been sent to the Indian Office to be filed with the rest of the papers in the case.

Respectfully,

E. A. Hitchcock.

Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. to Ind. Of.

MOR 6356-6359

COPY

Muskogee, Indian Territory, November 14, 1906.

Maggie Biggs,

c/o Carter & Hammond,

South McAlester, Indian Territory.

Dear Madam :--

There is enclosed herewith copy of Departmental letter of November 7, 1906, denying the application forwarded to the Department with your letter of October 31, 1906, to re-consider Departmental action of September 26, 1906, refusing to re-open the Mississippi Choctaw case of Sarah E. Babb, et al., as to certain applicants.

Respectfully,

SIGNED *James Bixby.*
Commissioner.

JWH 14-6

MCR 6366-6359

COPY

Muskogee, Indian Territory, November 14, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen :--

There is enclosed herewith copy of Departmental letter of November 7, 1906, denying the application of Maggie Biggs to re-consider the action of the Department of September 26, 1906, refusing to re-consider the consolidated Mississippi Choctaw case of Sarah E. Babb, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

JWH 14-7

MUR-6356

MUR-6456

Muskogee, Indian Territory, February 11, 1907.

J. D. Cox,

Attorney at Law,

Tahlequah, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you request to be advised the status of the petition for rehearing in the Mississippi Choctaw case of Sarah E. Babb et al.

In reply you are informed the records of this office show that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, attorney, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al. Due notice of such Departmental action was forwarded all parties in interest October 20, 1906.

Respectfully,

Commissioner.

MCR-6356

Muskogee, Indian Territory, April 12, 1907.

D. E. Milam,
134 N. Pearl Street,
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter dated January 28, 1907, addressed to the Secretary of the Interior and by him referred to this office for reply. Therein you request to be advised on what ground the Mississippi Choctaw case of Sarah E. Babb et al. was refused.

In reply to your letter you are advised that the several applicants in the consolidated Mississippi Choctaw case of Sarah E. Babb et al. were refused identification for the reason that the proof submitted by them was not sufficient to establish the fact that they were the descendants of a beneficiary under the 14th article of the Choctaw treaty of 1830.

Respectfully,

Commissioner.

6356

Muskegee, Oklahoma, April 28, 1909.

Mr. D. E. Millam,
Dallas, Texas.

Sir:

Your letter of April 7, 1909, addressed to the President of the United States has been referred to this office by the Department for reply. Therein you invite attention to a ruling of the Interior Department in the consolidated case of Sarah E. Babb et al., for identification as Mississippi Choctaws, which was decided against them by the Dawes Commission and the Secretary of the Interior. You further state that these applicants have been wrongfully denied their rights and request that their case be reopened and that they be given another opportunity to establish their rights.

Replying thereto you are advised that Sarah E. Babb and a large number of other persons made application to the Commission to the Five Civilized Tribes for their identification as Mississippi Choctaws, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 496):

"Said Commission shall have authority to determine the identity of the Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, and to that end may administer oaths, examine witnesses and perform all

other acts necessary thereto and make report to the Secretary of the Interior."

All of the applicants in this case claimed rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being descendants either of James (or Jim) Brookshier (or Brookshier, or Brookshire, or Old Blue Skin), or Sallie (or Sally) Brookshier (or Brokeshier, or Brookshier), nee Graves, (Indian name O-ho-yan, or O-ho-yah), or Nancy (or Lucy) Haynes, nee Nelson, or John Haynes, who were alleged to have been Choctaw Indians, degree of blood not positively stated, and the two former of whom to have resided in the old Choctaw Nation in Mississippi and Alabama in 1830 or Eldira Dandridge, who was alleged to have been a full blood Choctaw Indian.

It appears from the evidence submitted in support of said applications and from the records in the possession of the Commissioner that none of said applicants had ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in the Indian Territory, under the provisions of the Act of Congress approved June 10, 1896.

D. E. M. #3.

It further appears from the testimony and evidence offered in support of said applications and from the records in the possession of the Commissioner relating to persons who complied or attempted to comply with the provisions of said Article Fourteen of the Treaty of 1830, that none of the above mentioned persons through whom said applicants claimed their rights ever signified in person or by proxy their intention to comply with the provisions of said Article Fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the Acts of Congress approved March 3, 1837 (5 Stats., 180-, and August 30, 1842, (5 Stats., 513).

It clearly appearing from the evidence submitted by the applicants in this case and from the records of the Commission that they were not entitled to enrollment as Mississippi Choctaws, or Choctaws by blood, on March 15, 1904, the Commission to the Five Civilized Tribes rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb and others, which decision was affirmed by the Secretary of the Interior on August 22, 1904.

It further appears that on June 23, 1906, there was filed ~~in the office of the~~ of the Commissioner, a motion

D. E. M. #4.

and petition to re-open, re-consider, and re-adjudicate the consolidated case of Sarah E. Babb and others, under the decisions of the Attorney General in the case of Scott S. Dumas, James S., Forbis and Lula F. Long, which motion and petition were transmitted from this office to the Secretary of the Interior on July 2, 1906, and was denied by him September 26, 1906, for the reason that the motion and petition presented no question of law or fact bearing upon the case which had not been theretofore considered.

In this connection your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

"That the rolls of the tribes affected by this act shall be fully completed on or before the 4th day of March 1907, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Since the date last above mentioned there has been no further legislation relative to enrollment in the Five Civilized Tribes and this office is without authority to reconsider or reopen any enrollment case that has already been adjudicated, or to receive or entertain the application of any person for enrollment as a citizen or freedman of any of said tribes under existing laws.

Respectfully,

WHA-EB.

Commissioner.

Dallas Texas 5/29-1909

Department of the Interior, Office of Indian Affairs
Washington, D. C.

Dear Sirs:

We understand that there is to be a committee of three appointed by the Interior Dept. of Indian Affairs at Washington to come to Muskogee O.K. in Prox. to investigate the records there concerning the cases of Mississippi Choctaw applicants who were left off the roll. We beg leave to invite your attention to the case of Sarah E. Babb et al. as applicants for identification as Mississippi Choctaw Indians by blood who were refused allotment by the Dawes Commission at Muskogee, Okla. and ask that you place this matter before the committee and urge the committeemen to make a thorough investigation of the case and recommend the we be placed on roll and oblige your truly

D. E. Milan et al.

143 Newhamer St.

P.S.V.P.

Muskogee, Oklahoma, June 29, 1909.

The Honorable,

The Commissioner of Indian Affairs,

Sir:

I have the honor to acknowledge receipt of Indian Office communication of June 22, 1909 (Land 41473-1909. J E D), transmitting letter of D. E. Milan, Dallas, Texas, of May 29, 1909, inviting attention to the Mississippi Choctaw case of Sarah E. Babb, et al. and urging that this case be placed before the Committee and they be requested to make a thorough investigation thereof with the view of recommending the enrollment of the applicants in the said case of Sarah E. Babb et al. The Indian Office requests a report on this case as the same cannot be identified from the records of that office.

Reporting in this matter I have the honor to advise that it appears from the records of this office that the fifty five original applications for identification as Mississippi Choctaws which were consolidated with the case of Sarah E. Babb et al. were refused by the Commission to the Five Civilized Tribes on March 15, 1904 for the reason that the evidence did not establish that the ancestors through whom these applicants claimed

Indian Office 2

the right to be identified as Mississippi Choctaws had complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830. April 5, 1904 the interested parties were notified of this action of the Commission and on April 21, 1904, the record in the case, together with the said decision, was forwarded to the Secretary of the Interior.

August 22, 1904 (I T D 6496-1904) the Secretary of the Interior approved the recommendation of the Indian Office of August 13, 1904 (Land 28263-1904) and affirmed the decision of the Commission adverse to the applicants.

June 23, 1906, a motion to reopen this case was filed in the office of the Commissioner to the Five Civilized Tribes and was transmitted to the Department July 2, 1906. September 26, 1906 (I T D 17374-1906) the Secretary of the Interior denied this motion and on November 7, 1906 (I T D 13649, 17374-1906) an application to reconsider the action of the Department of September 26, 1906, refusing to reopen the case of Sarah E. Babb et al., which was transmitted by Maggie Biggs with her letter of October 31, 1906, was refused by the Department.

In view of the rulings of the Department of May 28, 1902 in the Mississippi Choctaws cases of Malinda C. Satterfield, Silas Sharp et al. and David Clark Ward et al., it is believed that this case is not analogous to that of John E. Goldsby (211 U. S. 249)

Indian Office 3

The communication of D. R. Hilam of May 29, 1909, is
herewith returned.

Respectfully,

Commissioner.

AB

(Inclosure)

MCR 6356

Muskogee, Oklahoma, September 2, 1909.

Mr. D. E. Milan,
143 Rushhammer Street,
Dallas, Texas.

Sir:

Referring to your communication of April 7, 1909, addressed to the President of the United States, and also your communication of May 20, 1909, addressed to the Secretary of the Interior, relative to the enrollment of Sarah E. Babb, et al., as Mississippi Choctaws, you are advised that this office was, under date of August 25, 1909, informed by the Department that it was of the opinion that the case of Sarah E. Babb, et al., was not analogous to that of John E. Goldsby and did not come within the principles announced by the Supreme Court of the United States, in that case, and that no action would be taken looking to the enrollment of any of the applicants in said case of Sarah E. Babb, et al.

Respectfully,

(VR)

Commissioner.

(1)

The Attorney General in the Long case, for enrollment as a Mississippi Choctaw, other than those claiming under Article 14 of the Treaty of September, 27, 1830, (7 Stat. 335) and their descendants to admitted with the Nation, quotes the Act of June 28th 1898, (30 Stat. 495, 503 which provides:

"No person shall be enrolled, who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship provided however, that nothing contained in this act shall be construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the Laws or Treaties with the United States."

He further states in this case:- "There is thus, provided the rights, of descendants in the third generation, asking restoration to political relation with the Tribe, from which their ancestors became by voluntary Act, or by operation of Law, severed."

It is a matter of history that the migration of the Choctaw people from their ancient to their present western seats, was not at one time by will of the Tribe, not yet at one time by those elements of it, whose descendants now constitute the Choctaw Nation.

Only about one-half of the old Tribe left their old seats in the first general movement in 1831 and 1832. The United States transported various bands, and some parties migrated at their own expense. The records of the Indian Office show that in 1845 and 1856, the Choctaw Nation as now constituted, presented claims against the United States arising out of these migrations. That the present Choctaw people did not at that time of migration, nor for a long time thereafter, regard those who failed to migrate as unentitled to possess and share the Tribal lands and property equally with themselves whenever they should migrate is evident from the legislation of the Nation. As early as October 9th 1837, (Choctaw Laws P. 73) the Council prohibited settlement or purchase of improvements on the Tribal lands from its citizens by an Indian.

POOR ORIGINAL -
BEST AVAILABLE COPY

"Not a descendant of the Choctaws". Descendants of Choctaws were regarded as intruders, but as having rights without special act of Council, to appropriate Tribal lands and to purchase improvements thereon, October, 14, 1847. "The late and now descendants (ib P 96) was declared to have equal rights with old settlers in the schools of the Nation.

This was not a grant or concession, but a mere declaration of right, not of right of residence, or as Indians, but as Choctaws, for by the resolutions of October 11th, 1856, (ib P 177) other Indians (Creeks) were regarded as intruders, and were asked to be speedily removed.

The Choctaw Nation and Government as now existing, was organized under a constitution drafted by a convention assembled January 11th, 1860, pursuant to the Act of October 24, 1859, by the Choctaw Council.

The preamble of this instrument declares that:-

"We, the representatives of the people, inhabiting the Choctaw Nation, confined within the following limits to wit:----- do hereby establish the following constitution and form of government and do mutually agree with one and another to form ourselves into a free and independent Nation, not inconsistent with the Constitution, Treaties and Laws of the United States, by the name of the Choctaw Nation.

The first section of the Bill of Rights declared:-

"All free men when they form a social compact, unequal in rights", and all free citizens of eighteen years and upwards, who has been citizens six months, and residence in their election district at least one month, were qualified electors by section 7, Article VII.

There was nothing in this instrument defining citizenship in the Choctaw Nation, how it might be acquired or lost, or limiting the operation of it, as to such residents of its Territory as were the members then of the Choctaw Tribe. If it was so intended to be so limited by construction, it must be done, from consideration of matters outside the instrument itself. Upon its face it embraces all "inhabiting" the Territory within its defined boundaries, and by the same word excluded all persons, Choctaws or not, not "inhabiting" those defined limits.

The Choctaw Nation however, continued to solicit a reintegration of the absentees of the Tribes into the Nation. When allotment of the Choctaw- Chickasaw lands were contemplated by the Treaty

of 1866 (14 Stat. 769) Article VIII, provided for newspaper publication of notice in six states in the Union.

To the end that such Choctaw and Chickasaw who yet remain outside the Choctaw and Chickasaw Nations, may be informed and have an opportunity to exercise the rights hereby given to residence Choctaw and Chickasaw. This was conditioned upon the absentee taking up an actual residence in the Nation within Five years after selecting his allotment. By Article XV "Every Choctaw and Chickasaw" (Not citizen or residence merely) was given an ninety days preference right to select a quarter section of land.

No restriction or condition was imposed upon anyone claiming Choctaw descent, establishing residence in the Nation and there by acquiring full rights of citizenship. October 16, 1876 (Kava 1857, 172) a tribunal for citizenship was established, and the Act provided that: "Any person who is not recognized as a citizen of this Nation, or of Choctaw descent, and claiming to be a citizen, or of Choctaw descent shall petition to the General Council, during the regular session thereof, for the rights and privileges of citizenship of the Choctaw Nation".

Such petitioner shall prove his or her blood, or other means by which they claim citizenship, by not less than two good respectable Choctaw, disinterested persons, before a proper Committee, or the Chairman thereof; and the Chairman, or Secretary of Committee, shall have power to administer any and all oaths that may be necessary in conducting the investigation. The Committee aforesaid, to be appointed by the General Council, and to report to the body, by act or resolution or otherwise, in reference to the petition or petitions, of the person or persons claiming to be citizens; or of blood descent; and in the event of the adoption of such report of the Committee, then such persons or person shall thereafter be deemed to be bona fide citizens of the Choctaw Nation."

The peculiar wording "or" of Choctaw descent, "itself implies that one of acknowledged descent became a citizen by mere settlement in the Choctaw Nation". The Act of October 3, 1866 (14 Stat. 769)

gave an appeal in such cases from adverse action of the Council, to the United States Indian Agent. Until after this time, the right to become a Choctaw citizen seems to have been and fully and unqualifiedly conceded to all persons of Choctaw descent, by mere settlement and residence in the Nation, the only procedure required being for record proof of the right, which arose as of course, upon proof of the facts of descent and residence.

An Act, apparently of November 1886. (Laws 1894, 266) imposed a restriction of one-eighth Choctaw blood as necessary to acquiring citizenship in the Nation.

Section 4, significantly provided: "That this Act shall not be construed to affect persons within the limits of the Choctaw Nation now enjoying the rights of citizenship, thus showing that persons of Choctaw descent entitled to be recognized as citizens, but not yet, formerly recognized by the Council, or admitted to the Rolls, were resident in the Nation, "enjoying" and "entitled to enjoy the rights of citizenship".

An Act of October 30, 1883, (1b 227,) constituted a tribunal for citizenship, by a Committee of the General Council, and still recognized that satisfactory proof of Choctaw descent, and residence in the Nation, entitled an application to full recognition as a Choctaw citizen.

The section of this Act provided:-

"It is hereby made the duty of the Sheriff of each county in this Nation, to ascertain the number and names of persons, or parties in their respective Counties, who claim Choctaw Rights, by blood or otherwise, and who have never established the same in accordance with the laws of the Nation, and report the same to the Principal Chief immediately. Every such person living in this Nation, and claiming to be citizens by blood and otherwise, and who shall fail to comply with the provisions of this Act, after having been duly notified thereof by the Sheriff, or other authorized person, shall be deemed and considered an intruder, and shall be removed beyond the limits of the Nation, forthwith by the Principal Chief.

An Act of the same day (1b 228) made the action of the Council upon application for citizenship final. This act however,

did not deny the right of an absentee Choctaw to acquire citizenship by taking up residence in the Nation, but made the Council the final tribunal upon the sufficiency of proof.

On late at December, 24, 1889, the Choctaw General Council memorialized Congress by a resolution that:-

Whereas, there are large numbers of Choctaws yet, in the States of Mississippi, and Louisiana, who are entitled to all rights and privileges of citizenship in the Choctaw Nation, and,

Whereas, they are denied all rights of citizenship in said States, therefore, BE IT RESOLVED, by the General Council of the Choctaw Nation assembled:- "That the United States Government is hereby requested, to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation".

This policy was maintained by Act of April 8th, April 9th, and October 27th, 1891, Mrs. Annie Boyd, and others, Corneline Hickman and others, and Henry Levin, Mississippi Choctaws, late arrivals were simply "recognized" by resolution of the Council as citizens, (Laws 1886, pages 320, 318, 339.) This form "declared" or "recognized" rather than "admitted" was the usual one and was used in the acts declaring Mrs. Mayo and family, Joseph B. Plummer, Caroline Mabel and others, and Lucy Gordon and others, entitled to citizens (Laws 1883, pages 35, 45, 54.)

It was always regarded as a matter of right of such persons not of grace or grant in the nature of adoption, Admission, or naturalization of alien. This policy seems not to have been abandoned until October 16, 1893, when the Council adopted the resolution, (Laws 1893, page 4) that:-

"So it resolved by the General Council of the Choctaw Nation, assembled:- That all persons who claim citizenship to the Choctaw Nation, and intend proving the same, are hereby notified that they must file their petitions as the law directs on or before November, 15, 1893, as after said date no petitions will be entertained by the Choctaw Nation, and all parties who have their petitions filed are hereby notified that they must come forward and prosecute the

same at once.

September 18th, 1896, (1b page 45) and act was passed by the Choctaw Council for appointment, by the Principal Chief of three citizens by blood by a commission, to proceed within ten days after its passage "to enroll all recognized citizens of the Choctaw Nation" and section 3, provided: "Be it further enacted, that the rolls when completed by said commission, shall be certified by said Commissioners and delivered to the Principal Chief, of the Choctaw Nation, on or before the 20th day of October 1896, to be revised and approved by the next General Council of the Choctaw Nation.

Such a roll was made and prepared by the Commission and is known as the 1896 Census Roll. As stated by the Principal Chief of the Choctaw Nation, in a letter of July, 22, 1897, to the Commission, there is "Only one authenticated roll of citizens, and that is the one approved by the legislative in 1896". This I infer, was the roll prepared under the act of September, 18, 1896.

The view taken by the United States Courts for the Indian Territory, action on cases appealed from decision of the Dawes Commission in citizenship cases under the act of June 10th, 1896, (22 Stat. 359) was that (1) Mississippi (or absentee) Choctaw, whose ancestors or themselves had never removed to the Nation were not entitled to be enrolled, but, (2) that one, who had heretofore actually removed to the Nation, was entitled to be enrolled as a citizen, with all rights, except those who had taken benefit of the 14th Article, of the Treaty of September, 27th 1830, (7th Stat. 353, 355) were excluded from sharing annuities. Jack Arnes, 21st (Ann. Rep. Com. Indian Affairs, 1896, page 455) U.S. House (1b page 455): general summary (1b page 114,) that:-

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their Council passed many Acts and resolutions inviting these absent Choctaws to remove into their country, and on one occasion appropriated a considerable sum of money: and until the past two or three years have always promptly placed those who did not return

on the rolls of citizenship, but never enrolled an absent Choctaw Indian as a citizen.....Page 16. The reason of this conclusion is to my mind, morally certain, that it is to be remembered that ever since the Treaty of 1830, now for a period of nearly sixty-seven years, with the exception of the past two or three years, the Choctaw Nation by its legislative enactments, and by its acts so long continued that by custom they have become crystallized into Law, having universally admitted all who should remove and rehabilitate them in all the rights and privileges of citizenship enjoyed by themselves.

The only limitation imposed by Congress and the Laws of the United States in the provision of the Act of June 28, 1898, (30 Stat. 493, 503) that: "No person shall be enrolled, who has not heretofore removed to, and in good faith settled in the Nation in which he claims citizenship".

So far as a bar is raised by the Laws of the United States, it is sufficient if a claimant to citizenship in the Five Civilized Tribes, removed to and permanently settled in the Indian Territory wherein he claims to be enrolled prior to June 30, 1898. This we did.

Subject to the power of Congress, the Indian Nations are self-governing communities, entitled to control and manage their own affairs, such as citizenship, rules of descent, revenue and criminal procedure, *Hoff v. Burney* (188 U.S. 218, 228), citizenship cases, U.S. Courts, Indian Territory (Annual Report Commissioner of Indian Affairs, 1898, pages 473, 499, 523;) *Jones v. Mehan* (176 U.S. 1.); *Buster v. Wright*, Inspector, Sanborn Jr. Fifth Circuit, March 7, 1895) *Falten v. Mayes* (163 U.S. 376, 385;) *Y.S. v. Kagana* (118 U.S. 375, 381).

Except as above limited, it is wholly a matter of Choctaw Law when a Choctaw by blood, becomes separated from the Nation and lost right to reunite himself to it, Congress as directed the Commission, and by Act of June 10th, 1896, (29 Stat. 321, 339) provided:-

That in determining all such applications, said Commission shall respect all Laws of the several Nations or Tribes, not inconsistent with the Laws of the United States, and all Treaties with either of said Nations or Tribes, and shall give due force and effect to the rolls, usages and customs of each of said Nations or Tribes.

As the Choctaw Nation, up to November 15, 1895, was continually inviting the absentees to reunite themselves with its body and

accept its citizenship, and applicants accepted that invitation and permanently located in the Nation, it was their rights under the Act of 1896 ~~and~~ to be enrolled by the Commission to the Five Civilized Tribes, or by the "legally constituted Court or Committee designated" by the Tribes if they made application within three months from the passage of the Act.

By the usage and customs of the Choctaw Nation of sixty years standing, crystallized into law, "they are entitled to be recognized" as its citizens. This enrollment was not an admission to citizenship, but the merely recognition of citizenship existing.

Section 21, of the Act of Congress approved June 28, 1898, (30 Stat. 495) provided that:-

Said Commission is authorized and directed to make correct, rolls of the citizens by blood, of all the other Tribes, eliminating from the Tribal rolls such names as may have been placed thereon, by fraud, or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made with such intermarried white persons as may be entitled to Choctaw or Chickasaw citizenship under the Treaties and laws of said Tribes.

I am of the opinion that the Commission erred in its application of the law to the fact. As above shown, until November 13, 1898, the usage and custom of the Choctaw Nation for more than sixty years was to recognize absent Choctaws upon the removal to any permanent settlement in the Nation. No admission to citizenship was, by the usage of the Tribe, necessary. When applicants removed to the Nation in 1894, they thereby became citizens. The Council could not, by prohibiting its Committee, by enrolling a class of citizens for no cause except its own non-action. Were that its intent, I would have no hesitation in saying that such arbitrary action was beyond its power and in clear violation of Section II, of the Bill of Rights, of the Choctaw Constitution, as an attempt to outlaw or deprive a class of citizens of their liberties and privileges unheard.

But a more appropriate and proper construction of the 7th prohibiting clause in the Act of October 30, 1896, above quoted is that it was intended to apply to cases of non-citizens who had

applied for admission or adopted into the Nation, and whose claims had not been heard and found to be unfounded, and whose claims had been rejected, so construed the prohibition was a proper exercise of legislative power, but had no application to those who by tribal usage, became citizens by reuniting with the Nation in 1894. In putting the omitted of such persons on the roll, the revisary board, and the Governor in so advising were not acting properly and within their powers, I am therefore of the opinion that, applicants were not enrolled without authority of law, and certainly not be fraud, and the Commission erred in denying the enrollment.

There was no regular Tribal rolls kept from Father to Son, or from ancestry to descendant, in the Choctaw Nation, during the year 1880 to 1900.

And that during the year after the removal of the Choctaw people from Mississippi, invitation after invitation was sent out by the Choctaw Nation, and it was understood, that all who would, could remove to the Choctaw Nation and could affiliate with the Nation in the Indian Territory. Their rights have never been questioned, the fact of blood having been apparent and undoubted, and that they are, and were a portion of the Choctaw people, to whom it was the intention of Congress to distribute equally the Choctaw lands in the Indian Territory.

That your petitioners are entitled to reconsider of the Honorable Secretary ~~all~~ the said case upon the regular question involved with relation to the consideration and the weight to be given to the presumption of evidence.

The rights for these applicants, as Choctaws by blood, entitled to enrollment upon the Rolls of the Choctaw Nation, was never passed upon by the Commissioner to the Five Civilized Tribes, SOELY BECAUSE OF THE FACT, THAT THEY FAILED TO APPLY WITHIN THE TIME PROVIDED BY LAW OF 1898.

Said failure was not on account of any fault, of these applicants as they knew nothing of said requirements until long after the time for application, until said laws had expired.

The Attorney General says in the Scott S. Dumas case, et al an application for indtification as a Mississippi Choctaws, and said holding approved, by the Secretary of the Interior, says:- That lack of record evidence of the right cannot bar one entitled to the benefit, and that it necessarily follows that any competent secondary evidence, by parole or otherwise, may be availed or to prove said right: also the Secretary holds in the Richard K. Coleman et al case, says:-

"That the Commission is authorized and directed to make correct Rolls of the citizens by blood, of all the other Tribes, eliminating from the Tribal Rolls, such names as may have been placed thereon by fraud, or without authority of law."

Again, he says in same case: "That Congress in the legislation defining the power and duty of the Commission, declared that the Commission shall respect all laws of the several Tribes not inconsistent with the Laws of the United States, and shall give due force and effect to the Rolls, usages and customs of each of said Nations and Tribes.

Again in same case, he says: "One knows nothing of his lineage and it is always a matter of tradition".

He further holds in the Mary Elizabeth Martin Case, that allegiance of birth is obtained by succession to the allegiance of the parent.

He further holds, "In no state, so far as he is aware of, has it ever been held that the offspring of a citizen is a born stranger to its parents allegiance." (These applicants, unless they be held to be born strangers to the allegiance of their parents and foreparents, as stated by the Attorney General, are entitled to enrollment.)

The Treaty of 1830, secured these applicants, enrollment. The Treaty of 1855, co-operates with the Treaty of 1830. And again the obligation of the Government, was renewed in the Treaty of 1866.

ARTICLE I.

(II)

In pursuance to the Acts of Congress, approved May 22, 1830, the United States do hereby, forever secure and grant the lands embraced within the said limit, to the members of the Choctaw and Chickasaw Tribes, their heirs and assigns, to be held in common, so that each and every member of either Tribe, shall have an equal and undivided interest in the whole.

Now applicants, who under the above title of this property, we think are equal owners and co-tenants, with the other Indians of said Tribe, and therefore their rights in this land, under this treaty, and has been heretofore held, by the Supreme Court of the United States, is a vested right, and that any vested right, in this land cannot be affected legally, by any Acts of Congress, or by any Treaty, to which they are not a party.

The United States Supreme Court says:- The law of the United States statutes, should not be so construed, as to impair rights secured by Treaty, or to violate plighted faith of the Government.

and this, the United States Supreme Court, declared in the case of *Wong Hoong vs The United States*, 112 U.S.R. 538-549, where the following language was used:- "For since the purpose avowed in the Acts, was to faithfully execute this Treaty, an interpretation of its provision could be rejected, which imparted to Congress and intention to disregard the plighted faith of the Government, and consequently ought to adopt that construction, which recognized and gave Treaty rights, secured by Treaty.

Courts cannot legally destroy vested rights, and further upon King of the case at bar, the Supreme Court says:- This award and judgement, which the appellant has secured under the Treaty of 1865, was so far a right of property, as to be beyond the reach of legislative power. It was strictly a right of property growing out of Treaty stipulation, and as such, it could not be rightfully taken away, except by the consent of the appellant.

The Court further says:- It is not permitted, to so construe a law, the terms and provisions of a Statute, so that injunctive and wrong, shall be inflicted by means of the construction of its general provisions.

This proposition was declared, in the United States vs Kirby and Wall, 482-484, where the United States Court used the following language:- "All laws should receive a sensible construction, general terms should not be so limited in their application as to lead to unjust oppression or absurd consequences."

Again the latter clause of the 14th Article, of the Treaty of 1830 reads:- When well founded doubt shall arise, it shall be construed most favorably toward the Choctaws (which is these applicants).

Now we fail to see how the Commission or the Department can reject these claimants, without disregarding the foregoing opinion of the Attorney General, and also of the decisions, as indicated by the Supreme Court, and the latter clause of the 18th Article, of the Treaty of 1830.

The Court further says:- The insertion in the Treaty, of the word "right" shows unmistakably, that everything demanded by natural justice, was meant to be secured to all Choctaw Indians, and their descendants as well as to all enrolled citizens of the Choctaw Nation.

Article 3, of the Treaty of 1830, ceded all the lands east of the Mississippi river, for the lands west of the Mississippi river, therefore, all the lands ceded being the common property of all the Choctaw Indians, makes this the Indian Territory, for which their property was ceded, the common property of all the Mississippi Choctaws, and their descendants irrespective of the 14th Article people but all Choctaw Indians inclusive and conditions imposed by Congress, upon Choctaw claimants not required nor authorized by the Treaty of 1830, are void. For as declared by the Supreme Court, it is not within the power of Congress to legally abridge or

restrain a right to enjoy property, guaranteed or secured under Treaty stipulations.

Brief precedents in West proceed Case, 181, 211, 218. This cites the decision.

Webster declares the same legal proposition, in his opinion on the Florida Claim, which had their origin in the Treaty of 1819, between the United States and Spain.

Speaking of the force and sanctity of Treaty obligations he said:— A Treaty is the Supreme Law of the Land, it can neither be limited or restrained, nor modified nor altered, it stands on the ground as National Contract, and is declared by the Constitution, to be the Supreme Law of the Land. And this gives it a character, higher than any act of ordinary legislation.

It enjoys an immunity, from the operation and effect of all such legislation. Senat report, 93 First Session, 88 Congress, pp 16, 22.

The Indians themselves, and those of them in authority have always heretofore, acknowledged the rights and interest in the lands of the Indian Territory, being in all the Choctaw Indians.

And the National Council, on December, 9th, 1888, memorialized Congress by the adoption of the following resolution:—

That whereas, there are a large number of Choctaw and Chickasaw Indians, in these states, and whereas, they are too poor to emigrate into the Choctaw Nation,

Therefore, be it resolved, by the General Council of the Choctaw Nation assembled:— That the United States Government is hereby requested to make provisions for the emigration of said Choctaws, from the said States to the Choctaw Nation, Indian Territory.

Now we are here, knocking at our own doors for admission into our own house, with our own brethren. The door of admission to citizenship in the Indian Territory, has always been kept open by the Choctaws and Chickasaws, and whenever an Indian moved into the Indian Territory, he was upon proof of having

Indian blood, a descendant of some Choctaw Indian admitted by the Council of said Nation, to all the privileges of Choctaw citizenship.

There is nothing in the history of the Choctaw Nation, up to the time of the Dawes Commission, 1888, where there was ever any difference made, in the recognition to citizenship, of the common Indians, and the 14th Article Indians, and possessed of the same rights.

In proof of this, under the treaty of 1866, when there was a probability of the allotment of these lands, in severality.

It was made a requisite in the Treaty, that the allotment of lands should be published, in newspaper, not only printed in the Choctaw and Chickasaw Nations, but also in the states of Mississippi, Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws, as yet remain outside of the Choctaw and Chickasaw Nations, may be informed and have opportunity to exercise the rights, thereby given, to resident Choctaws and Chickasaws.

This of itself, as above indicated, gives a right, and it is the duty of the Commission, under the said Law, treaty, usages and customs, of said Nation to enroll us.

No where is it found, in any of the Laws of the Choctaw Nation, or any of the Treaties, where there was any difference made with any Choctaw Indian, in establishing rights in the Indian Territory, material as to whether he was a 14th Article, a 19th Article, or simply a common Indian, if a Choctaw Indian, he was a brother of these Choctaw Indians, and wards of the Government, and in every instance has been recognized as such, and not discriminated against, by the Choctaw or Chickasaw

Treaty of 1830, and of 1866, was founded upon
to all concerned. It was never once
contended by the makers of these Treaties, that one of their
brethren was discriminated against, in favor of the other.

Applicants contend, That treaty rights should be respected, and that their rights in the lands of the Indian Territory, are vested rights, and that all Choctaw Indians, who are descendants of Choctaw Indians, Mississippi, are entitled to enrollment, in the Indian Territory, upon the rolls of said Choctaw Nation, upon the proof of blood and removing to, and settling in said Territory irrespective of the 14th Article, or any other Article of 1830.

Applicants contend, that no law that abridges treaty rights, is oppressive against the party who had guaranteed rights. And further contends, that the rights guaranteed by a Treaty has been respected by all laws of Congress, up until 1902, by saying in the latter part of every act, that nothing therein shall militate against rights conferred by a Treaty.

Applicants further contend, that the Treaty of Agreement of 1902, with the Choctaw Indians, cannot apply in this case, because of the fact, a plaintiff was not a party thereto.

And again, because of the Act of Congress, 1871, that says:- "There shall never again be a Treaty entered into, between the United States, and any Indian tribe within its boundaries, and this law has never been repealed."

Sarah E. Babb, et al.)
vs. U.S.R. 6356.)
The Board of Prisoners.)

TO THE HONORABLE SECRETARY OF THE DEPARTMENT OF JUSTICE,
and the 20 MEMBERS OF THE UNITED STATES PRISON BOARD.

In the consolidated case of Sarah E. Babb and others,
named below the following named applicants, Sarah E. Babb, Maggie
Biggs, Johnnie Biggs, Harry Biggs, Henry Biggs, Stevannah Morris,
Vernie B. Morris, Neita Gable, nee Biggs, Willie Gable, Ray Gable,
Estie Deal, Edna Deal, Peter Deal, John Deal, Mattie Adams,
Quincy Adams, Leon Adams, Ida Adams, Warren Adams, Mary Lou Adams,
Lena Daniels, Tiesie Daniels, Katie Daniels, Ray Daniels, Ester
Daniels, Maggie Daniels, Robert Bennett, Edna Bennett, Ernest
Bennett, John Bennett, George Bennett, William M. Bennett, Newton C. Bennett,
George Bennett, Willie Bennett, Ray Bennett, George Bennett, George Bennett,
Katie Harden, William Harden, Fell Harden, Lillie
D. Cassidy, Gertrude Cassidy, Monroe Cassidy, Venus Cassidy,
Tilden H. Harden, Joseph P. Harden, Annie C. Hardin, James Pool
Harden, William M. Harden, Graves G. Brookshier, Vernon Brookshier,
Lula B. Brookshier, Ovid W. Brookshier, Willie G. Brookshier,
Octavannia Brookshier, Opal W. Brookshier, Winnie Stogner, Judson
Stogner, Ella Spikes, David Spikes, Lina Spikes, Lina Spikes,
May Berry,
L. Cobb,
William Cobb, nee Cobb, Louis Cobb, Lullah Shofner,
Oreola Shofner, Massie Shofner, Otto Shofner,
Mary Jane Wilcher, Maggie Wilcher, Hattie Wilcher,
Henry Wilcher, Wallace H. Wilcher, Ray Wilcher, Wilcher,
Lois Wilcher, A.V. Wilcher, Mary Wilcher, Wilcher,
William P. Wilcher, Maurine Wilcher, Robert Wilcher, Massie Conn,
Samuel Conn, Andrew Duff, Bettie Millan et al., A. Swinnee et
al., Murphay Long Kinsey et al., Wayne Pratt, Pratt, Stella

Applicants contend, that the Act of 1899, removed the time limit, placed in the Act of 1855, in which to make application for enrollment, as citizens by blood. In that, the said Act, says that nothing herein contained shall militate against rights conferred by Treaty. Our right to enrollment, is the Treaty right, our interest in this property is vested right, we own an interest in this country by virtue of the Treaties and pledges of the National Government, as follows: "In pursuance to the Act of Congress approved May, 28, 1830, the United States do hereby forever secure and guarantee the lands embraced within the said limits, to the members of the Choctaw and Chickasaw Tribe, their heirs and successors, to be held in common, so that each and every member, shall have an equal undivided interest in the whole".

It is not a fact then that we being members of the Choctaw Nation or Tribe, born and raised, our ancestors was, in the Choctaw Nation, Mississippi, and was a participant in the Treaty of 1830, therefore, is this not a vested right. If it be a vested right, and we own an equal undivided interest, as quoted in said Treaty, will the authorities of the United States Government, take that from us without being adjudicated before the proper tribunal, and no the Commissioner, and give it to others, who have no greater interest, than we have ourselves. The title is in the members of the Tribe, and the United States has pledged itself to so maintain it, and the Choctaw Nation have from the beginning held that the title has always been in the members of the Tribe alone, their heirs and successors.

Article XI, of the Treaty of 1855, furnishes a rule of decisions for the courts and authorities as to who is entitled to enrollment in the words, Just, Fair and liberal. It must be assumed, therefore, that the parties to the Treaty understood the wording and meaning of the same. The United States Supreme Court has said, the law on United States statutes should not be so construed as to impair rights secured by Treaty, or to violate plighted faith of the Government; and this is, (U.S. Supreme) Court declared in the case of Chew Heong VS U.S. 112 U.S.R. 582-583, where the following language was used;

May Kinsey, Ivan Lloyd Kinsey, and respectfully petition the Honorable Secretary of the Interior, for his supervisory authority, to the end that said case, as to these applicants only, may be reopened, revised, reconsidered, and readjudicated, exclusive of all other applicants, in the original case, and that they, these applicants, may be enrolled as Choctaw citizens, of the Choctaw Nation Indian Territory,

As grounds for said petition, petitioners represent:

That they are the direct lineal descendants of James Brookshier, and his wife Sallie Graves, who were both Choctaw Indians, residing in the Choctaw Nation, Mississippi, in the year 1830, when the Treaty was made between the United States and the Choctaw Nation or Tribe of Indians, of which they were members.

That James Brookshier, and his wife, Sallie, had born to their said union, a number of children, three of which were named Graves Brookshier, Sallie Brookshier, and Emeline Brookshier, from which all of these applicants descend, as shown in the record, in the original consolidated case of Sarah E. Babb, et al, M.O.R. 5356, vs The Choctaw Nation, to which your Honor is referred.

That James Brookshier, applied to the United States Agent Ward, for registration of himself and his family, under the 14th Article of the Treaty of 1830, with a number of other Indians, at the same time, and that said Ward refused to register said Brookshier, or any of the rest of the Indians, who were there at the same time.

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They insisted upon Ward for registration, and finally he, the said Ward, became hostile, and cursed and abused James Brookshier, and all of the other Indians, who were with him, which was quite a number, and ordered them to leave, and go west of the Mississippi river, and they did all leave, and some of them afterwards, came west of the Mississippi River. And he, the said Brookshier, took his family and left that country.

Applicants moved to the Indian Territory, in good faith, knowing that they were Choctaw Indians, and were descendants from Mississippi Choctaws, who attempted to comply with the 14th Article, of the Treaty of 1830, and become citizens of the States.

Applicants claim that the failure of their ancestor, James Brookshier, to become a 14th Article citizen, was no fault of his, that he did all he knew to do, but that it was the fault of the United States Agent Ward, therefore, that they should not be held responsible for said failure, and that they are truly entitled and should be enrolled as 14th Article, Mississippi Choctaws.

In support of this contention, we call your attention to the decisions in the case of Scott S. Dumas, by the United States Assistant Attorney General, and approved by his Honor, E.A. Hitchcock, Secretary, November 24, 1895. And we quote a part of said decision, as follows:-

That the question of fact is the common ancestor, Nancy, who in this case would be James Brookshier, or that one of her children under whom the claimant, bases right, attempted to comply, with Article 14 of the Treaty of 1830. As different claimants, base their rights on those of different children, of the common ancestor, claimants under one of them might prevail, while others claiming under another might fail.

He further says:- That it is an established historic fact, that Colonel Ward, did not efficiently perform his duty as agent. His delinquency was confessed by the United States, by its subsequent efforts by the Acts of March 3, 1837, and August 28, 1842, supra, to redress the wrong. By such confession, and by the fact of his delinquency, the presumption of the acquiescence of his

record of applicants, under article 14, of the Treaty is overthrown, and the lack of record evidence of the right cannot bar one entitled to the benefit. It necessarily follows, that any competent secondary evidence, by parole or otherwise, may be availed of, to prove the right. But as two opportunities for redress, were afforded, by the Acts of 1837, and 1842, the presumption arises that injured claimants, then living in the locality availed themselves of the benefit, of these Acts. At the latter time some beneficiaries had died, leaving minor heirs, some had scattered to distant parts, and may have never heard of the opportunity for redress, or, if they did not know of it, were precluded by distance from appearing before the Commissioner to obtain it.

I am, therefore of the opinion, that mere failure to apply under the latter relief Act, is not sufficient of itself to bar a claimant from benefit of the Treaty. But as there was opportunity in 1842, to establish the right, if it was not then asserted a presumption arises that the right did not exist, and to establish it at this lapse of time, evidence that it did not exist should be clear and convincing to overthrow that presumption. Yet, if the proof is clear that the application was made to Colonel Ward, and was denied, it cannot be held that the right was lost by mere failure to assert it under the relief Acts.

If the primary fact of right in Nancy Brasher, in this case James Brookshier, or of her children as Choctaws is satisfactorily shown, the question will arise of their attempted compliance with Article 14. As they are dead, such fact may be proved by testimony of any one who was present, at such application, or by evidence of circumstances, as that such person made a journey to the place, where Ward, was or supposed to be, and to which others went for a like purpose. Such testimony, though merely circumstantial, is primary of what the witness observed. Any declaration of the person making such journey, as to the purpose of it, as that it was made for the purpose of making such application, whether such declaration, was just before, during, or upon the return, is admissible as part of the chief circumstance, the journey indicating its purpose, and tending to show that the right was claimed

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said application was made. It does not detract from the credit due such a witness, that his skin is black, or that he was then the slave of the one who made the application, or of some one else. The only proper test is that where the opportunities of the witness to know such facts, as he testified to and the accuracy of his recollection, of such facts. The credibility of the testimony, is to be judged by the same rules, and standards, as that of white persons or Indians then free. Nor do minor discrepancies, of recollections, of different witnesses, with established facts, or with each other, as to minor matters, or immaterial incidents, tend to discredit their testimony, if in its general purport, it conforms with truth, and appears to be candid and creditable. Such discrepancies often occur to be minor facts.

As above indicated the Attorney General says:- The question of facts is whether the common ancestor Nancy, in this case, is James Brookshier, or that one of his children under whom the claimant bases his right, attempted to comply with Article 14, of the Treaty of 1830, This is shown by testimony on file in said case, is thoroughly proven, beyond doubt, and that he did attempt to comply, and demanded of the United States Agent Ward, registration and was denied said right.

Again, the Attorney General says:- That it is an established historic fact that Colonel Ward did not efficiently perform his duty as Agent. His delinquency was confessed by the United States. This is true in this case, for refusing to enroll James Brookshier, and a number of other Indians, who went with him and applied for enrollment, and his refusal to them, was a non-performance of his duty.

Again the Attorney General says:- in said case, but as two opportunities for redress, were afforded by the Acts 1857, and 1862, the presumption arises that injured claimants, then living in the locality, availed themselves, of these Acts. At the later time some beneficiaries had died, leaving minor heirs, some had scattered to distant parts, and may have never heard of the

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opportunity for redress, if they did know of it, were precluded by distance, from appearing before the Commissioner, to obtain it. This was the case with James Brookshier, he having taken his family and left the country. The evidence upon this point is shown in the records as clear, and convincing and undisputed.

Again, the Attorney General says:- If the proof is clear that the application was made to Colonel Ward, and was denied, it cannot be held that the right was lost by mere failure to assert it under the relief Acts. Now there can be no doubt in an unprejudiced mind, as to the proof being clear and convincing, that the application was made to Colonel Ward, by Brookshier, and denied. Therefore, these applicants have not lost their right, for identification as 14th Article Mississippi Choctaws.

Again a little further on in said case, the Attorney General says:- The primary fact of right in Nancy Brasher, in this case, it would be the right of James Brookshier, of his children as Choctaws is satisfactorily shown, the question will arise of their attempted compliance with Article 14. As they are dead, which is the case here, these ancestors are dead. He then says such facts, may be proven by testimony of anyone who was present, at such application. This is shown by a witness, or by evidence of circumstances as that such persons made a journey, to the place where Ward was, or was supposed to be, to which others went for a like purpose. Such testimony, though merely circumstantial, is primary of what the witness observed. These circumstances, as indicated, are clearly proven in this case.

The Attorney General says, any declaration, of the person making such a journey, as to the purpose of it, as that it was made for the purpose of making such application, whether such declaration was just before, during, or upon the return, is admissible as part of the chief circumstance. The testimony on file shows the conduct of James Brookshier, how indignant he became, how he cursed the United States Government, and its agent, for trying to rob them out of their country, and refusing them rights. Therefore, these circumstances are certainly conclusively proven.

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Again the Attorney General says:- The journey, indicating its purpose, and tending to show that the right was claimed, and application was made. It does not detract from the credit due such witness, that his skin is black, or that he then was the slave, or of the one who made the application, or of some one else. In this case it is true, that there was an old negro testified, and may two others, who were personal witnesses, who were thoroughly acquainted, with old man Brookshier, and gave it as it was. Again, some of the witnesses were Indians, whose testimony is equally clear, upon the question, and fixes the question of his making application, and be registered by the United States Agent, Ward, is conclusive and beyond doubt.

Again the Attorney General says:- Nor do minor discrepancies of the recollections, of different persons, with established facts, or with each other, as to minor matters, or immaterial incidents, tend to discredit their testimony, if in its general purport it conforms with truth and appears to be candid, and creditable. Such discrepancies often occur as to minor facts. This is undoubtedly true, no one can say that the testimony of these witnesses or in its general purport, but what it conforms with the truth. There is no doubt of this fact.

UNITED STATES OF AMERICA
CHOCTAW NATION
INDIAN TERRITORY.

Personally appeared before me the under-
signed authority Ollie Adams, who after being by me duly sworn
according to law, on oath states:- That she is one of the
applicants in the case titled Sarah E. Babb, et al., VS
THE Choctaw Nation, and that she has read the foregoing petition
and that the facts therein contained are true and correct to the
best of her knowledge.

Ollie Adams

Sworn and subscribed to before me by Ollie Adams, as being
true and correct, on this the 5th day of June, A.D. 1906.

W. T. Hardy
Notary Public.

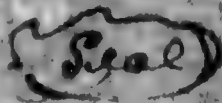
The following named persons have made affidavits that is
attached to the original and to the copy for the defendants,
That are indentically as the above affidavit signed by Ollie Adams.
The only difference is the date of signing, and the Notary before
whom they signed. Ella Spikes, Lillie Gaudin, Fildon Harden,
Murphy Long Kinsey, Andrew Buff, Bettie Milan, Emma Williams,
Welcom Cobb, Harriett Cobb, Sallie Cobb, Mattie Wilcher, Verna
Vasher, M.J. Wilcher, Wallace Wilcher, Maggie Wilcher, Lillie
Wilcher, Warren Cobb, Willie Cobb, Claracy Harden, Mary Harden,
Arkie Shor, Lullah Shorner, Lena Daniels, Maggie Bennett, Essie
Deal, Mattie Adams, Graves G. Brookhiser, A. I. Welch, Rieta Sabla,
Norman Biggs, Stevannah Morris, Willie Tubb, James H. Berry.

UNITED STATES OF AMERICA }
CHOCTAW NATION }
INDIAN TERRITORY. }

Personally appeared before me the undersigned authority, Maggie Biggs, who after being by me duly sworn according to law, on oath states: That she is one of the principal applicants of the foregoing case, titled Sarah E. Babb, et al., VS The Choctaw Nation. That she has resided in the Choctaw Nation, Indian Territory, near four years. That she moved to the Indian Territory, in good faith, and attached herself to it, The Choctaw Tribe, subject to their laws, usages and customs, ever since. That she has her home here in said Nation, and expects to remain and live here with her children and her Tribe, the balance of her natural life. That she has read the foregoing petition, and the fact therein contained, are true to the best of her knowledge. That this petition is filed in good faith, that justice may be done. That a copy of this Motion and Petition, with the exhibits and affidavits hereto attached, has been forwarded to Messrs. Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations, at their post office at So. McAlester, Indian Territory, by registered letter, the receipt of the Post Master, for the registered letter, containing said copy of this petition, addressed to Messrs. Mansfield, McMurray, & Cornish, at South McAlester, Indian Territory, is hereto attached for proof of said service.

Maggie Biggs

Subscribed and sworn to before me by Maggie Biggs, as being true and correct as to the best of her knowledge, on this the 7th day of June 1906.



W. J. Hardy
Notary Public for the
Central District, Indian Territory.

"For since the purpose avowed in the Act, was to faithfully execute this Treaty, and interpretation of its provisions would be rejected with imputed to Congress an intention to disregard the plighted faith of the Government and consequently the Court ought to adopt the construction which recognized and saved Treaty rights secured by the Treaty".

For Courts cannot destroy vested rights, this is what we claim, that the Commission who construed the Acts of Congress so as to destroy the several Treaty rights, secured by Treaty. And we contend this is why, in every Act of Congress, relative to the enrollment of these people, that it ends by saying, that nothing herein contained shall be so construed as to militate against rights conferred by Treaty.

The United States Supreme Court further says:- That it is not permitted to so construe a law, the terms and provisions of which, so that injustice and wrong shall be inflicted by means of the construction of its general provisions. This is all we ask for, this will enroll our people and there is no doubt as to this being correct.

And again further, this proposition was declared in the case of the United States VS Kirby & Wall 482-486, where the United States Court used the following language.

"All laws should receive a sensible construction, general terms should not be so limited, in their application, as to lead to unjust oppression, or absurd consequences."

Now as the Act of Congress, has been construed by the ~~tax~~
~~Revenue~~ Department, therefore it lead to unjust oppression.

The Supreme Court further says: It will therefore be presumed that the legislation intended exceptions to its language, which avoid results of this character. The reason of the law in such cases, should prevail over the letter.

The insertion in the Treaty of the word "right" shows unmistakably that everything demanded by Natural Justice, was meant to be secured to all Mississippi Choctaw Indians, and their descendants, as well as to all enrolled citizens of the Choctaw Nation.

The Supreme Court further holds, That any condition imposed by Congress, upon Choctaw claimants, not required not authorized by the Treaty of 1830, is void, and it is not within the power of Congress to abridge or restrict a right to enjoy property,

3

guaranteed or secured, under Treaty stipulations. I can furnish at least forty decisions as to this, and if required will gladly do so.

The Chief Justice further holds, if the (the United States) repudiate their obligation, it is as much repudiation with all the wrong and reproach that such term applies as it would be if, the repudiator had been a state, a municipality or a citizen.) United States VS Union Pacific R.R. Co., 99 U.S.R. 719.

The Court further says: If any proposition of law is thoroughly settled by this court, it is that which asserts the principal that rights secured by Treaty stipulations, which are property and not political rights, are not subject to the interference of Congress, and do not depend for their vitality or existence upon the will or action of the legislative branch, of the Government. I have many decisions upon this.

The Court further says: The Treaty of 1830 was not only the Supreme law of the land, but was also a contract with the appellant. It was a more exalted character than an ordinary contract, because it was a Treaty, between the United States and one of the Independent Tribes. Terms of such Treaties, as repeatedly declared, by this court, are to be construed by the application to them, of the principles of enlarged and liberal equity.

Applicants claim that in the construction upon the Acts of Congress, by the Commission and the Department, is erroneous and wrong and should not be sustained.

As to the last above indicated, Webster declares the same legal proposition, in his opinion on the Florida Claims, which had their origin in the Treaty of 1819, between the United States and Spain. Speaking of the force and sanctity of Treaty observations he said: "A treaty is the Supreme law of the Land, it can neither be limited nor restrained, not modified, nor altered. It stands on the ground of National Contract, and is declared by the Constitution to be the Supreme law of the law of the land. And this gives it a character higher than any other act of ordinary legislation. It enjoys an immunity, from the operation and effect of all such legislation". Senate report 93, First session, 55 Congress pp 16, 22.

Applicants contend that in the construction, placed upon the laws of Congress, that prejudice, the rights of Indians, secured by Treaty, is void, and the Act of the Commission, dis-

regarding Treaty rights, is wrong and should be revised.

Wherefore, the premises considered, because of the fact, that the ancestor of this applicant, James Brookshier, attempted to comply with the 14 Article, of the Treaty of 1830, and was rejected and deprived of that right, by the officers of the United States Government, Agent Ward. This is shown by the proof in the original case, undoubtedly they are entitled to enrollment as Mississippi Choctaws. And further says; if the decisions of the Attorney General, approved by his Honor, E.A. Hitchcock, are to be respected, that they must and will be enrolled as Mississippi Choctaws.

Again, applicants claim, because of their residence in the ~~Nation, and because of their blood being that of Indians, and because of their compliance with the requirements with the Treaty~~ Nation, and because of their blood being that of Indians, and because of their compliance with the requirements with the Treaty of 1830, and 1866, and their rights undisputed, that they are entitled to enrollment, because of the fact that all Acts of Congress that are inconsistent with the Treaty, cannot be effective against these applicants, without militating against Treaty rights, which is restricted and forbidden in every Act of Congress, heretofore passed, in relation to the enrollment of Indians by blood.

The applicants further claim, that the so called Treaty or Agreement of 1902, to which these applicants were not a party, and were refused a vote in the same. And that so called Treaty or Agreement is in direct violation of the Act of Congress of 1871, declaring that no further Treaty shall ever be made by the United States Government, and with any Tribe within the boundaries of the United States. And the calling of said Act and Agreement, instead of a Treaty is an evasion of the word Treaty, as every one knows that a Treaty and an Agreement is one and the same thing, when it applies to Nations and Governments.

Therefore, we pray for enrollment, as under the first count of our petition and the decisions of the Attorney General, approved by your Honor, for enrollment as Mississippi Choctaws. And in the event that you fail to find that we are entitled as Mississippi Choctaws, then we pray for enrollment as Choctaws by blood, entitled to all the rights and privileges and benefits ~~of~~ ^{that} legally enrolled.

MCH 6356

Sarah E. Balch, et al

Consolidated Case

Age

POST OFFICE

RESIDENCE-COUNTY

NAME

Card No.

6356

Jim, or

James Brookshier, or
Brookshire, 1/2 3/4

married

Sallie Graves, 1/2
(Indian Name - (Ohoan))

Emeline Brookshier 1/2 1/4

married

① Martin H Berry, dead
② Sam Conn, dead

6356

Sarah E. Berry, 60 1/4
married
John M. Babb, 11

mch
6351

Winnie Berry 54, 1/4
married

① George Mitchell, w dead
② Warren Stogner, w

mch
6499

James Pierce Berry, 49 1/4
wife
Mary Berry, w

mch
6358

Marissa Berry, 46, 1/4
married
David (or Dave) Hardin, w.

Johnnie Babb
married
Cox

mch
6386

James W. Mitchell, 37 1/8
wife
Maggie E. Mitchell, 2

mch
6390

Arrelous Mitchell, 34 1/8
wife
Ella Mitchell, w

mch
6389

Robert Mitchell, 32 1/8
Oscar G. Mitchell, 27 1/8

mch
6391

Callie Nora Mitchell 24 1/8
married
James M. Spikes

mch
6391

Charley Mitchell
Maggie Ann Mitchell 11 1/8
married
John Stogner

mch
6389

John Mitchell, 18
Judson Stogner, 13.
Willie Berry, 30
John Berry, 18
Winnie Berry, 13
Sallie Berry, 8

mch
6389

Roxy Hardin, 26 1/8
married
Joe Hardin, w

mch
6388

Siddie Hardin, 24 1/8
wife
Lillian Hardin, w

Agna Lee Cox
Cox
Rube Cox

mch
6396

Gladys Earl Mitchell, 5

mch
6390

Blair P. Mitchell, 11
Nancy A. Mitchell, 10
Orin Mitchell, 6
Joa R. Mitchell, 4
Lois S. Mitchell, 1

mch
6391

James M. Spikes, 7
Joseph O. Spikes, 3
Lynna M. Spikes, 1

mch
6391

Doyle Stogner, 10
Alva R. Stogner, 6

mch
6387

Sammy Hardin, 4
Annis Hardin, 2.

mch
6388

Forest Hardin, 4 mos.

Jim, a
James Brookshier, a
Brookshire 1/2 3/4
married
Sallie Graves, 1/2
(Indian name Choyan)

Emeline Brookshier, 1/2 D
married
① Martin H Berry, Dead
② Sam Conn, Dead

Clarissa Berry, 46 1/4
married (continued)
David (or Dase) Hardin w

Maggie Berry, 43 1/4
married
William Biggs, w

Robert Conn 38 1/4
wife
Doria Conn,

Lillie Hardin, 23 1/8
married
John Cassidy w
Willis Hardin, 16
Kate Hardin, 14
William Hardin, 12
Fell Hardin, 7

Norman Biggs
Stephane Biggs, 20 1/8
married
Ed Morris w
Willie Biggs, 18 1/8
married
Sam Tubb w
Heta Biggs, 16
Jonnie Biggs, 11
Harry Biggs, 9
Henry Biggs, 7
Connie Biggs, 4

Bessie Conn, 3
Sam Conn, 1

Gertrude Cassidy, 4
Monroe Cassidy, 12 da.

Urondo Morris, 6 mo.
Jay Tubb, 11 mo

Jim. n
James Brookshier, or
Brookshire, 1/2 3/4, married
Sallie Graves, 1/2,
(Indian name Okoyato)

James S. Brookshier, 1/2 II

Sallie (Sarah) or (Sarah Frances) Bae
Choc

McK
6355
Esther, or

Ester Ann, or
Essie Brookshier, 49 1/4
married
Bob (or Robert) Drel, w.

McK
6416

Robert Brookshier, 47
wife
Annie Brookshier, w

McK
6354

Sallie Grace Brookshier, 43
married
William Arthur (or Bill) Sheffield

McK
6319
Mattie Deel, 26 1/8
married
Will Adams, w

McK
6319
Lena Deel, 24 1/8
married
Frank Daniels, w

McK
6433
Maggie Drel, 23 1/8
married
Will Bonnett, w

McK
6353
George Drel, 18
William Drel 16
Peter Drel 14
John Drel 11

McK
6416
Sallie Emma Brookshier, 16
Corn Estelle Brookshier, 14
Betty Kate Brookshier, 12
Annie Belle Brookshier, 10
Ruthie Lee Brookshier, 5
John Bacon Brookshier, 3

McK
6376
Corn D Sheffield, 25 1/8
married
Willie B. Moon, w

McK
6376
William E Sheffield, 22 1/8

McK
6376
Willie Sheffield, 19 1/8
married
John Adams, w

McK
6376
Turner Sheffield, 16
Etta Sheffield, 13
Orvil Sheffield, 10
Leater Sheffield, 7
Ruth Sheffield, 5
Stella Sheffield, 2

McK
6378
Leon Adams, 6
" Quincy Adams, 4
" Ma Adams, 2

McK
6378
Jimmie Daniels, 8
" Katie Daniels, 6
" Ray Daniels, 2
" Esther Daniels, 1

McK
6378
Millie Bonnett, 2
Robert Bonnett, 1

McK
6376
Allie Beulah Moon, 6
Earl Moon, 4
Clarence Moon, 2

McK
6380
Earnest Adams, 1

Jim, or
James Brookshier, or
Brookshire $\frac{1}{2}$ $\frac{1}{4}$
married
Sallie Graves $\frac{1}{2}$
(Indian name Ooyan)

James G Brookshier $\frac{1}{2}$ $\frac{1}{4}$
married
(Continued)

Sallie (Sarah, or Sarah Frances) Brookshier
chor

Eldora Dandridge, full
married
chor

met
645
Mattie Jim Brookshier, $\frac{1}{2}$ $\frac{1}{4}$
married
J. A. Hardin, w.

met
645
Florence Emeline Brookshier, $\frac{3}{4}$
married
George W. Deel, w.

met
6374
Graves G. Brookshier, $\frac{3}{4}$ $\frac{1}{8}$
wife
Nicy Belle Brookshier w

Jennie Lee Brookshier, $\frac{1}{4}$ $\frac{1}{2}$

married
Bob Crilly, $\frac{1}{2}$ L

met
645
Obera Hardin 20
Amy Hardin 16
Lavi Hardin 13
Teala Hardin 9
Hiram Hardin 8
Daisy Hardin 7
C. B. Hardin 4
Sevetra Hardin 1

met
645
Jimmie Deel 14
Luan Deel 12
Henry Deel 10
Berlie Deel 8
Allie Deel 6
Florence Deel 5
Adrian Deel 3
Jesse Deel 1

met
6374
Vernon Brookshier, 10
Ulla Belle Brookshier, 8
Orel Warner Brookshier, 6
Willie Graves Brookshier, 4
Octavious Brookshier 2

met
6362
Lullah Crilly, $21\frac{3}{8}$
married
Jest Shofner

Electra Crilly
married
John T. Alexander
Otto C. Crilly

met
6360
William C. Shofner, 3
Masey Shofner, a mo.

Jim, or
James Brookshier, a
Brookshire 1/2 3/4
married
Sallie Graves, 1/2
(Indian name Choyan)

Nancy Nelson full
husband
John Haynes.

Graves & Brookshier 1/4 1/2
married (Cont'd)
Sallie (Sara) of Sarah Frances (Choyan)

Sarah (Sallie) Brookshier 1/4 1/2

Married
Andrew Young Haynes 1/2

Octavimus Brookshier 1/2
Claims for wife

Alexander Graves Haynes 50 1/4

Harriet Haynes, 48, 1/2

married
John E. Cobb, w

Andrew Warren Haynes 53

wife
Oscar Caroline a
Teresa C. Haynes, 11
① Ella V. Haynes, w

Harry H. Haynes 29 7/4
wife
Lula Haynes, w
Lydel Haynes 27 1/4
Ada Haynes 25
Harry F. Bradford, w
Lura Haynes 22
Johnson Smith, w
Marvin Haynes, 19
William F. Edwards, w
Georgie Haynes, 15
Fred Haynes, 11

Sallie Cobb, 30 1/4
Warren Cobb, 28 1/4
John E. Cobb, 25 1/4
wife
Lee Ann Cobb, w
Ada Cobb, 22 1/4
Emma Cobb, 20
William Cobb, 15

Emma C. Haynes, 25 1/4
wife
Cal Key, w
Sallie C. Haynes, 21 1/4
Paul H. Fisher
Warren Deet Haynes, 18
Mark Haynes 11
John Denny Haynes 9
Sarah Caroline Haynes 7
Teresa Haynes 3
Mabel Haynes

Halcy Haynes, 2
Alice Haynes, 3 mos
Allene Bradford, 7

Kittie Smith, 2
Effie Smith, 15 mos
Thelma Edwards, 15 mos

Llyde L Cobb, 7 mos

Emma J Key, 3
Calvin D. Key, 8 mos

Jim, a
James Brookshire, or
Brookshire, 1/2 3/4
married
Sallie Graves, 1/2
(Indian name Ohogah)
Nancy Nelson, full
husband
John Haynes

Sarah (a Sallie) Brookshire, 1/4
(Continued)
Married
Andrew Young Haynes 1/2

Indiana Haynes 11 1/2
married
W. A. Duff.
Mek
6418
Harper Haynes, 46 1/8
wife
Emma Haynes "

Mek
6483
Mary J. Haynes, 46 1/2
mar.
H. J. Wilcher, w

Mek
6453
Georgia A Haynes, 36 1/2
mar.
J. I. Davis, 15

Mek
6999
Andrew Duff, 35 1/4
Mek
6418
Bettie Duff, 23 1/4
mar.
Edgar Milam, w.
Mek
6418
May Haynes, 14
" Hattie Haynes, 12
" J. B. Haynes, 10
" Willie Haynes, 8
" Woodie Haynes, 8
" Alack Haynes, 6
" Rufus Haynes, 1 1/2 no

Mek
7246
Wallace H Wilcher 29 1/4
wife
Susie Wilcher
Mek
6914
A Y Wilcher, 26 1/4
wife
Mary S Wilcher
Mek
7327
Billy P. Wilcher, 24 1/4
wife
Bertie S Wilcher
Mek
6918
Maggie Wilcher 19
" Versie Wilcher 14
" Hattie Wilcher 12

Mek
6452
Everett Davis, 9
" Mandie Davis, 7
" Ocie Davis, 4
" Endora Davis, 2

Mek
7246
Jay O. Wilcher, 2
" Geo. W. Wilcher, 1
Mek
1985
Henry M Wilcher, 1

Jim, or
James Brookshire, or
Brookshire, 1/2 3/4
married
Sallie Graves, 1/2
(Indian name Ohoyan)

?

Elizabeth E. Long Deas
husband
William A. Long L

Mar 7018
John A. Long, 49 1/8
wife
Virginia Long, L w

Mar 7016
Willie Long 39 1/8
mar.
H. M. Swinney

Idella Long, 1/8 Deas
mar.
L. H. Pratt.

Mar 7017
Murphy Long 25 1/8
mar.
J. B. Kinsey, w

Mar 7018
Birdie C Long, 18
"Virginia A. Long, 17
"John A. Long, 15
"William A. Long, 13
"Willerson C Long, 7

Mar 7016
Vernie Swinney 13
"Born Swinney 3

Mar 7017
Vera Pratt, 1/6 12
"Wayne Pratt, " 10

Mar 7017
Stella May Kinsey, 10 1/2

?

Mary Simpkins D
husband
Robert Simpkins D

Mar 6381
Arkie Simpkins, 30 1/8
mar.
William Snow, w

Mar 6381
Mandie Snow, 11
"Born Snow, 8
"Blyde Snow, 6
"George Snow, 4
"Willie May Snow, 1

Sarah E. Babb, et al.,

vs M.C.R. 6356.

The Choctaw Nation.

Motion and petition to
reopen, reconsider, and re-
judicate their case, under the
decisions of the Attorney General
in the case of Scott. S.
Dumas, James S. Forbis,
and Lula F. Long, and other
decisions recently rendered
and th laws of 1906.

DEPT. OF THE INTERIOR
BUREAU OF LANDS

JUN 23 1906

Office
copy for
Commissioner
Babb

Sarah E. Babb

REFER TO **N.O.R.** 6257, 6996, 6390, 6389

7019, 6997, 6391, 6499, 6358, 6387, 6388

6386, 6354, 6382, 6383, 6692, 6353, 6374

6460, 6428, 6416, 6354, 6376, 6375, 6380

6452, 6415, 6374, 6360, 6300, 6459, 6477

6454, 6455, 6457, 6355, 6384, 6392, 6393

6385, 6417, 6455, 6998, 6999, 6456, 6418

6983, 7296, 6984, 7327, 6403, 7018, 7016

7017, 6381, DECISION RENDERED

1904

NOTICE OF DECISION FORWARDED

APPLICANT APP 1904

COPY OF DECISION FORWARDED

ATTORNEYS FOR CHOCTAW AND

CHICKASAW NATIONS.

NOTICE OF DECISION

FORWARDED ATTORNEY

FOR APPLICANTS.

RECORD

APR 21 1904

DEPARTMENT

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

AUG 2 1904

NOTICE OF DEPARTMENTAL

ACTION MAILED APPLICANTS

SEP 10 1904

NOTICE OF DEPARTMENTAL ACTION

FORWARDED ATTORNEYS FOR CHOCTAW

AND CHICKASAW NATIONS.

SEP 26 1904

NOTICE OF DEPARTMENTAL ACTION

FORWARDED ATTORNEY FOR APPLICANTS

SEP 26 1904

y

No.

6856

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Sarah E. Babb.

Age 60

Blood

"4

Post Office, Ferris, Texas.

Father: Martin H. Berry. d

Mother: Emeline " l. st

Claims through mother "1/2

Husband

John M. Babb, (d)

Children

Claims for self

Engraver

Claim Mrs. T. C. H.



DEPT. OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D.C. 20240

NOV - 1 1984

[Handwritten signature]

- CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

General Office

M. C. R. 6356

Sarah



Indian Territory.



Choctaw MCR 6357

Winnie Stogner

MCR 6357

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T. October 28, 1902.

6387

In the matter of the application of Winnie Stogner for the identification of herself and her two minor children, John Mitchell and Judson Stogner as Mississippi Choctaws.

J.O. Poole, attorney for applicant:

Winnie Stogner, being duly sworn to testified as follows:

Examination by the Commission:

- Q What is your name? A Winnie Stogner.
Q What is your age? A Fifty four.
Q What is your post office address? A Ennis, Texas.
Q How long have you lived in Ennis? A About four years.
Q Where did you live before that? A We lived up at Ferris, Texas.
Q How long did you live in Texas altogether? A I think about 13 years.
Q Where were you born? A In Mississippi.
Q Where? A In Tishomingo County.
Q From Mississippi you went where? A Up in Tennessee just over the line.
Q Then you went where? A Way down in Mississippi.
Q From Mississippi you went where? A Texas.
Q And have lived there since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Martin H. Perry.
Q What is your mother's name? A Baseline Conn.
Q She married again? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much do you claim? A A quarter.
Q Was she a half Choctaw? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know sir.
Q Is your husband living? A Yes sir.
Q Have you children you are making application for? A Two minors.
Q Are they children by your first or second husband? A One by each

- Q What was the name of your first husband? A George Mitchell.
 Q M-i-t-c-h-e-l-l? A Yes sir.
 Q Is he dead? A Yes sir.
 Q Was he a white man or Indian? A White man.
 Q You have a child by that husband? A Yes sir.
 Q What is the name of your second husband? A Warren Stogner.
 Q He is living? A Yes sir.
 Q Indian or white man? A White man.
 Q Do you make any claim for him? A No sir.
 Q You have two children you want to make application for? A Yes sir.
 Q What is the name of the oldest? A John Mitchell.
 Q How old is John? A He is eighteen.
 Q What is the name of the other child? A Judson Stogner.
 Q How old is Judson? A Thirteen.
 Q Do you claim for yourself and these two children? A Yes sir.
 Q Is George Mitchell the father of John Mitchell? A Yes sir.
 Q Is Warren Stogner the father of Judson Stogner? A Yes sir.
 Q Are you and your second husband Warren Stogner, living together now and are these two children living with you at your home? A The Stogner child is; the Mitchell child is living with his brother.
 Q But you make application for him as a minor? A Yes sir.
 Q What is his post office address? A Ferris, Texas.
 Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself or these children to either the Choctaw tribal authorities in the Indian Territory or the Dawes Commission under to act of Congress of June 10, 1896? A No sir.
 Q Have you or your children been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
 Q Is this your first application for enrollment as a Choctaw citizen or for your children to any authority whatever? A Yes sir.
 Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes sir.
 Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
 Q That article that has been explained here. A Yes sir.
 Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of the treaty was to remove as far as practicable all the Choctaw Indians who lived in that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory under the treaty and in order to protect the interests of those who stayed back in the old Nation article fourteen was put into the treaty; the treaty was then signed and afterwards ratified on the 24th day of February 1831. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or

she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with article fourteen of that treaty or not? A My grandfather.

Q What was his name? A Jim Brookshier.

Q How much Choctaw blood did Jim Brookshier have? A He had half.

Q Did he have a Choctaw Indian name or speak the Choctaw language? A Not that I knew of.

Q Did he live in the old Choctaw Nation in Mississippi in 1830 and was he head of a family there then? A That's what I have been told.

Q Did he live on land in Mississippi which he obtained from the Government under article fourteen of the treaty of 1830 and after living upon that land for five years did he receive a patent to it from the Government? A I don't know.

Q Did he get or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Q Did he own any improvement on land in the old Choctaw Nation in 1830? A I can't tell.

Q Did he within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that he wanted to stay in Mississippi, take land there and become a citizen of the States? A I don't know.

Q Did he or any Choctaw ancestor of yours go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, between 1833 to 1838? A I don't know.

Q How old would Jim Brookshier be if living now? A Well, I don't know that; I suppose he would be over a hundred.

Q He was your mother's father, was he? A Yes sir.

Q Well, you say your mother claimed a half, and her father then would have how much; wouldn't she be a half of what her father had? A Yes sir.

Q Well, you said he was a half. A Yes sir, grandmother was a half too.

Q What was her name? A Sallie Graves, her maiden name; she married Brookshier.

Q Did any of her Choctaw ancestors live on land for five years in the old Choctaw Nation and then get a patent to that land from the Government of the United States under article fourteen? A I don't know.

Q Did she claim any land in the old Choctaw Nation under that article? A I don't know.

Q Did she go to the Indian agent within six months after the ratification of the treaty of 1830 and tell him that she wanted to stay in Mississippi, take land there and become a citizen of the States? A I don't know.

Q Did she or her husband, Jim Brookshier, go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, either before or after 1838?

Territory either between 1833 to 1838 or at any other time-- do you know? A They said he went and tried.

Q No, did they go from one Nation to the other? A No sir, not that I know of.

Q Now, you were going to say Jim Brookshier went and applied; to whom and what did he apply-- A To the agent.

Q What for? A He applied for his right.

Q What was told him, if anything by the agent? A They told him to go West to his tribe.

Q Where do you get that information? A From my ancestors, handed down.

Q Can you recall anyone among your relatives who told you that?

A Yes, my mother.

Q Anybody else? A Well, I don't remember just now.

Q You have no record of that fact, have you? A No sir.

Q Just simply a matter of tradition in the family? A Yes sir.

Q And all you can remember as having said it was your mother?

A Yes sir.

Q Did any of your Choctaw ancestors on your grandmother's side--- Sallie Brookshier--- comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know.

Q How old would she be if living now? A Well, I don't know; over a hundred I suppose.

Q Was she born in Mississippi? A I don't know that.

The Indians who stayed in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent within six months from its ratification and tell him that they wanted to stay there, take land and become citizens of the States; a good many Choctaw Indians did this whose names Col. Ward neglected to put upon his list known as Ward's Register, and because of this neglect a good many Indians who had land in Mississippi in the old Choctaw nation upon which they had improvements had their land taken from them by the Government and sold; this caused so many complaints among the Choctaw Indians that in 1837 and 1842 by various acts of Congress Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians under that article fourteen of the treaty? A I think they said Grandfather did.

Q Did Jim Brookshier your grandfather not only go before Col. Ward within six months after the ratification of the treaty and claim benefits at that time but also go before one of these Commissions afterwards? A I don't know.

Q You don't know whether he went before the Commission of 1837 or 1842? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under the act of Congress approved August 23 1842 and was issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that they had had their land taken from them by the Government and sold at Public Land Sale. Do you speak or understand the Choctaw language? A No sir.

Q Have you any other evidence you want to present now-- you have witnesses that you want to call later? A Yes sir. (attorney says "In the morning".)

Q Any questions, Judge? A No sir, if you will grant us thirty days for additional testimony.

(30 days time is allowed this applicant in which to file other testimony in support of this case if she desires.

Q Do you wish to have your case consolidated with the case of Essie Deel, at all? A Yes, I suppose so.

(The case of Essie Deel- 6353, is here referred to for the purpose of consolidation.)

Applicant says she has seven children that are going to marry.

Q Give their names. A Jim Mitchell- he lives in Cleburne, Texas.

Q Has he any children? A Yes sir.

Q Now give the name of your next child? A Aurelius Mitchell, he lives in Ferris Texas

Q Is he married? A Yes sir.

Q Has children? A Yes sir has five.

Q Give me the name of your next child? A Bob Mitchell- he is now in Collins County, Texas; he postoffice address is Ferris.

Q Is he married? A No sir, he is single.

Q Give me the name of your next one? A Oscar Mitchell.

Q Where is his post office address? A I don't know.

Q Is he married? A No sir.

Q Give me the name of the next child? A Ellaor Ellie Spikes.

Q She's married? A Yes sir.

Q Where is she living now? A In the Nation, Hugo, I.T.

Q What is the name of her husband? A Jim Spikes.

Q Has she any children? A Yes she has three.

Q Now have you y other children? A Yes sir.

Q Next? A Charley Mitchell a boy; he is in Hill County; I don't know exactly what County; its Texas.

Q Any other children? A John Stegner; he married my daughter--- (Maggie Mitchell); she is dead; their children are Alvie and Doyle Stegner

Q What is their post office address? A Ferris Texas.

(This applicant has the appearance and physical characteristics of being descended from white parentage, medium fair complexion, blue eyes, hair almost black; she does not understand the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry O. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on October 28, 1902,

and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry B. Hains

Subscribed and sworn to before me this 29 day of October, 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.O.R. 6359.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

4050B
Muskegee, Indian Territory, April 5, 1904.

Winnie Stogner,

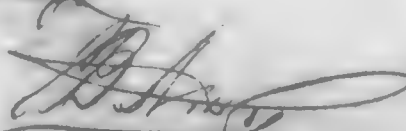
Ennis, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including you and your two children John Mitchell and Judson Stogner.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,



Commissioner in Charge

Registered.

M.C.R. 6387

Muskogee, Indian Territory, September 26, 1904.

COPY.

Winnie Stogner,
Kanis, Texas.

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself, John Mitchell and Judson Stogner, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 24th day of April, 1904.

Respectfully,

SIGNED

Tamie Bixby.

Chairman.

WCR-8387

Muskogee, Indian Territory, October 20, 1906.

Winnie Stagner,
Ennis, Texas.

Dear Madam:

You are hereby notified that on September 24, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

FOR MENTION

A MISS

REFUSED

Winnipeg Dognar, et al

DECISION REVERSED

NOTICE OF DECISION FORWARDED

WELL OAM

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

AUG 22 1904

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOQTAW
AND CHICKASAW NATIONS**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.**

No. 6357

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Winnie Stogner.

Age 54 - Blood 1/4

Post Office, Ennis, Texas,

Father: Martin H. Berry, d.

Mother: Emeline Conn, l.

Claims through mother 1/2

Husband (1).

George Mitchell, d, w.

Husband (2)

Warren Stogner, l. w.

no claim for husband.

Children:

John Mitchell, 18
(father is no 1.)

Judson Stogner, 13
(father is no 2) -

Claims for self &
2 minors.

Encephalographer

H. G. Harris

FILED

MAY 11 1964

CHAIRMAN

2nd matter 4/26/04



APR 17 16-07
B. B. B.
ENVI.

2nd meter
4/26/04

CHAPMAN

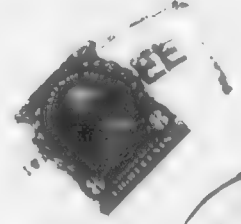
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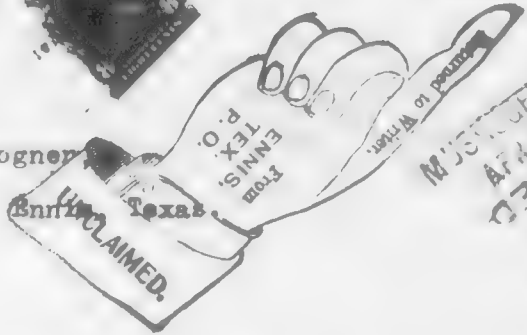
FILED

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

14875



Winnie Stogner



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

MUSKOGEE, OKLA.
APR 18 1918
DELIVERED TO WINNIE STOGNER

478.
478.

Choctaw MCR 6358

Clarissa Hardin

MCR 6358

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. October 28, 1902/

6358

In the matter of the application of Clarissa Hardin for the identification of herself and her four minor children, Willis, Kate, William and Fell Hardin, as Mississippi Choctaws.

J.O.Poole, attorney for applicant.

Clarissa Hardin being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Clarissa Hardin (Spells the name.)
Q What is your age? A Forty six.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived in Ferris, Texas? A About 25 years.
Q Where were you born? A Mississippi.
Q Where in Mississippi? A Tishomingo County.
Q You went from Mississippi where? A To Texas.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Martin H. Berry
Q What is your mother's name? Eueline Conn.
Q You claim through which parent, your father or mother? A Mother
Q How much Choctaw blood do you claim? A A quarter.
Q How much was your mother? A A half.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A No sir.
Q Is your husband living? A Yes sir.
Q What is your husband's name? A E David Hardin.
Q Is he a white man or Choctaw Indian? A White man.
Q Do you make any claim for him? A No sir.
Q Give me the names of your children commencing with the eldest under age. A Willis Hardin, 16; Kate Hardin, 14; William Hardin, 12; Fell Hardin, 7.

- Q Is that all the minors? A Yes sir.
- Q You claim for yourself and these minor children, do you? A Yes.
- Q How many children over age have you? A Three.
- Q Give me the name of the eldest- present name. A Roxy Hardin; so married a Hardin- a man by the same name but no relation.
- Q What is her post office address? A Ferris Texas.
- Q Has she children? A Yes sir.
- Q How many? A Two.
- Q What is the name of the oldest? A Dewey.
- Q And the next? A Annie.
- Q Now give me the name of your next child? A Tilden Hardin.
- Q Is he married? A Yes sir.
- Q Where does he live? A In Ferris Texas.
- Q Has he children? A Yes sir.
- Q How many? A One.
- Q What is the name of your next child? A Lillie Cassidy.
- Q What is her husband's name? A John Cassidy.
- Q Where do they live? A In Ferris.
- Q Any children? A One.
- Q That is all the children you have over age? A Yes sir.
- Q Is David Hardin the father of the children whom you have mentioned A Yes sir.
- Q Are these minor children living with you at your home? A Yes sir.
- Q Are you and your husband living together as husband and wife? A Yes sir.
- Q Were either you or your husband married before you married each other? A No sir.
- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
- Q Have you ever made such application for yourself and children to the Commission to the Five Civilized Tribes under the provisions of the act of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and these minor children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A ---
- Q You have heard it now a number of times? A Yes sir.
- Q Do you care to have it explained further? A No sir.
- Q Without the explanation the article itself is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of the treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not

to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen as read and explained to you? A Not as I know of.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? Can you go back farther than your mother? A Grandfather, Jim Brookshier.

Q How much Choctaw blood did he have? A Half.

Q How much Choctaw blood do you claim your mother had? A Half.

Q Do you claim through anybody else besides Jim Brookshier? A My Grandfather claim through both your grandfather and grandmother, do you?

A Yes sir.

Q They each had a half Choctaw blood? A Yes sir.

Q Did Jim Brookshier or his wife, Sallie, either of them speak the Choctaw language? A I don't know.

Q Did either of them go to the United States Indian agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did they live in Mississippi in 1830 and were they heads of families there then? A I reckon they was; I don't know.

Q You could not be sure about that? A No sir.

Q Did either of them live on land in the Choctaw nation for five years and then receive a patent of that land from the Government under article fourteen of the treaty of 1830? A I don't know.

Q Did any of them own or claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Q Did any of them own or claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830 or any improvements on land? A I don't know.

Q Did any of them go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, between 1833 to 1838? A I don't know.

Q Did any of them go from the old Choctaw Nation to the Choctaw Nation, Indian Territory at any time previous to this application made by you? A I don't know.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory with the other Indians were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent, Col. Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States; a great many Choctaw Indians did this whose names Col. Ward failed to put on his list known as Ward's Register; because of his neglect to do this a great many Choctaw Indians who had land in the old Choctaw nation upon which they had improvements had both land and improvements taken from them by the Government and sold at Public Land Sales; this caused so many complaints among the Indians that Congress appointed two Commissions in 1837 and 1842 under various acts; these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these

Commissions and claim benefits as Choctaw Indians under that article of that treaty? A No as I know of.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know; I have heard it talked about- that they applied for scrip.

Q This scrip was issued unde an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and further proved that their lands had been taken from them in the old Choctaw Nation and sold. Do you speak or understand the Choctaw language? A No sir

(to Attorney) Any questions, Judge? A --

Examination by J.O.Pool

You are a full sister to Sara. R. Babb? A Yes sir.

Sarah Stogner? A Yes sir.

Q Cousin of Essie Deel? A Yes sir.

A And Sallie Shof field? A Yes sir.

Q You all have the same grandfather and claim through the same common ancestor? A Yes sir.

Q You wish your case consolidated with theirs? A Yes sir.

Q You want 30 days time in which to furnish further testimony? A Yes sir.

By the Commission:

(30 days time is allowed the applicant for this purpose.)

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium fair complexion hair is almost black; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on October 26, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 29th day of October, 1902.

Charles H. Sawyer

Notary Public.

M.C.R. 6358.
COPY.

Muskogee, Indian Territory, April 8, 1904.

Clarissa Hardin,
Ferris, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Rabb et al., including yourself and your children Willis Hardin, Kate Hardin, William Hardin, and Nell Hardin.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

E. B. Nesbitt

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

COPY!

Clarissa Hardin,

Ferris, Texas,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Willis Hardin, Kate Hardin, William Hardin and Peil Hardin, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

WOMENED

Tams Bixby.

Chairman.

MUR-6356

Muskogee, Indian Territory, October 20, 1906.

Clarissa Hardin,

Ferris, Texas.

Dear Madam:

You are hereby notified that on September 24, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah R. Rabb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name *Clarissa Hardin.*Age *46* — Blood *1/4*Post Office, *Ferris, Texas.*Father: *Martin H. Berry d.*Mother: *Emeline Conn. l.*Claims through *mother 1/2**Husband.**David Hardin, l. w.**No claim for husband*

Children:

*Willis Hardin, 16**Kate " 14**William " 12**Ell " M. 7**Claims for self &*
4 minors

Stenographer

H. G. Hains

AMERICAN

R. 6358

Charissa Hardin et al

REFUSED.

MAR 15 1904

NOTICE OF

DEC 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

NOTICE OF
FORWARD
FOR APPLICANT

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 25 1904

NOTICE OF DEPARTMENTAL
ACTION MADE APPLICANT.

SEP 1 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT

Choctaw MCR 6359

Maggie Biggs

MCR 6359

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 29, 1902.

In the matter of the application of Maggie Biggs for the identification of herself and her five minor children, Neta, Jonnie, Harry, Henry and Connie Biggs as Mississippi Choctaws:

Applicant represented by J.O. Pool Attorney at Law.

Maggie Biggs being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Maggie Biggs.
Q What is your age? A Forty three.
Q What is your post office address? A Ferris Texas.
Q How long have you lived at Ferris? A About twenty six years.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Tishomingo County.
Q How long did you live there? A I was born and raised there
Q And lived there how long? A I don't know.
Q From Mississippi to--? A We lived in Tennessee a while.
Q You went from Mississippi to Tennessee? A Yes.
Q And from Tennessee where? A To Texas.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Martin R. Berry.
Q What is your mother's name? A Evaline Conn.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much do you claim? A One quarter.
Q She was one half? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A No sir.
Q Is your husband living? A Yes sir.
Q What is his name? A William Biggs.
Q Is he an Indian or white man? A He's a white man.
Q Do you make any claim for him? A No sir.
Q How many children have you under age that you wish to make application for? A Five.
Q What is the name of the eldest? A Neta, sixteen.
Q How do you spell it? A N-e-t-a.
Q The next? A Jonnie.
Q Boy? A Girl.
Q N-e-n-n-i-e? A Yes sir eleven.
Q The next? A Harry.
Q How old is Harry? A Nine.
Q The next? A Henry.
Q How old is Henry? A Seven.
Q How old is Connie? A Four.
Q You claim for yourself and these children do you? A Yes sir.
Q Is William Biggs the father of these children? A Yes.
Q Are you and your husband living together as husband and wife and are these children living with you? A Yes sir.

Maggie Biggs. 2

- Q Have you children ever ago or married? A Yes sir.
Q How many.
Q What is the name of the eldest - his or her present name.
A Norman Biggs.
Q Is he married? A Yes sir.
Q Where does he live? A In Hill County.
Q Post office address? A Fowler, Texas.
Q And children? A No sir.
Q What's the name of the next child. A Stephanna Morris.
Q What's her husband's name? A Ed.
Q What is their post office address? A Ferris Texas.
Q What is the name of the next child? A Willie Tubbs.
Q Boy? A Girl.
Q What's her husband's name? A Sam Tubbs.
Q What is their post office address? A Ferris Texas.
Q Have any of them been before the Commission to be identified?
A No sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory.
Q Is this the first application that you have ever made of any description for yourself and children for citizenship in the Choctaw Nation? A Yes sir.
Q Do you come before the Commission now to be identified as a Mississippi Choctaw and to identify your children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians who at that time lived partly in the state of Mississippi and partly in the state of Alabama east of the Mississippi river; this treaty was made on the 27th day of September of the year 1830; the object of the treaty that was made at that time was to remove as far as practicable all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty of 1830; the treaty was afterwards ratified on the 24th day of February 1831 with this article in it; article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so

by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who elude him under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now that is article fourteen of the treaty of 1830 under which you make your claim to-day.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen as read and explained to you. A No sir.
- Q What is the name of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Jim Brookshier.
- Q What relation to you is he? A He was my grandfather.
- Q Your mother's father? A Yes sir.
- Q How much Choctaw blood did he have? A One half.
- Q What was his wife's name? A Sallie Graves.
- Q That was her maiden name was it? A Yes sir.
- Q How much Choctaw blood did she have? A About one half.
- Q You claim to be one quarter Choctaw; you claim that your mother was one half. A Yes sir.
- Q Because Jim Brookshier and Sallie his wife were each one half? A Yes sir.
- Q Do you know whether they lived in Mississippi at all at any time? A Yes sir.
- Q Did they live there in 1830 seventy two years ago? A I don't know.
- Q Do you know whether they were heads of families there at that time. A Yes sir.
- Q Is it a matter of family history and tradition with you? A Yes sir.
- Q Members of the family told you that? A Yes sir.
- Q Have you any other proof besides? A No sir.
- Q Do you know whether they lived in Mississippi for five years upon land which they received from the government and at the end of that time received a patent for it from the government. A No sir.
- Q Did they own or claim any land either in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did they within six months after the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi and the land and become citizens of the states? A My grandfather, Jim Brookshier

went but was refused.

- Q Who was Colonel Ward; do you remember? A He was agent I reckon.
- Q Yes the United States agent, and you claim that it's a matter of family history that Jim Brookshier your grandfather went to him and attempted to register? A Yes sir.
- Q Can you tell where you got that information exactly? A No sir I cant.
- Q Is it a matter of record or just simply tradition; you have no record of it? A No sir.
- Q How old would Jim Brookshier be if living now, or his wife Sallie if you know? A Something over a hundred years old.
- Q Do you know whether they were both born in Mississippi or not? A No sir.
- Q Or either of them? A No sir.
- Q Do you know when and where they died? A One died in Alabama I think and the other in Texas.
- Q Did Jim Brookshier die in Alabama? A No sir in Texas.
- Q And Sallie in Alabama? A Yes sir.
- Q But you dont know the dates? A No sir.
- Q Now do you know whether either of them owned any improvements on land in the old Choctaw Nation in 1830? A No sir I dont.
- Q Do you know whether either of these ancestors or their ancestor having Choctaw blood went from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A No sir I dont.
- Q Or did they go at any other time that you know of? A No sir I dont.

The Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified were required in order to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent within six months after the ratification of the treaty, that is within six months from the 24th day of February 1831 and register at the office of this agent under article fourteen of the treaty of 1830; make declaration of their intention to remain in Mississippi and become citizens; a great many Indians did that whose names Colonel Ward neglected to put upon his list known as Ward's register; because of his neglect to do this a great many Indians lost their land in Mississippi and Alabama in the old Choctaw Nation because it had been taken from them by the government and sold; this caused so many complaints among the Indians that Congress appointed two commissions, one in 1837 and the other in 1842 by different acts of Congress; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit creek or the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any benefits as Choctaw Indians? A No sir.
- Q You never heard anything about that? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government and entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir I dont know.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who first proved their rights under article fourteen of the treaty of 1830 and then also proved that their land had been taken from

Maggie Higgin

them in the old Choctaw Nation and sold.

Q Do you speak the Choctaw language or understand it?

A No sir.

Q Do you want to have your case consolidated with the cases of other relatives who have appeared before the Commission claiming through Jim Brockster and Rallie his wife.

A Yes sir.

The case of Jessie Deal, M.C.R. 5383 is here referred to for the purpose of consolidation.

To attorney:

Q Any questions. A No sir I believe not.

Q Time? A Yes sir if you please.

Thirty days time from the date hereof is allowed this applicant in which to introduce other testimony in support of this application.

This applicant has the appearance and physical characteristics of a person of white parentage; blue eyes; brown hair; medium fair complexion; does not understand the Choctaw language and has no knowledge of complied on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of October 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 14th day of October 1902.

Charles H. Sawyer
Notary Public

M.C.R. 6359.

COPY.

Muskogee, Indian Territory, April 5, 1904.

Maggie Biggs,

Ferris, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 10, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Mabb et al., including you and your children, Weta Biggs, Jonnie Biggs, Harry Biggs, Henry Biggs, and Connie Biggs.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signature)

E. D. Keatinge.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

COPY.

Maggie Biggs,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Neta Biggs, Jonnie Biggs, Harry Biggs, Henry Biggs and Connie Biggs, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

Jane Bixby,

Chairman.

NOB-6389

Muskogee, Indian Territory, October 20, 1906.

Maggie Biggs,

South McAlester, Indian Territory.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

JP
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 13649-1906.
17874- "
49175 LRB

November 7, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

With letter of October 31, 1906, there was received from Maggie Biggs an application to reconsider the action of the Department of September 26, 1906, refusing to reopen the Mississippi Choctaw case of Sarah E. Babb, et al, as to certain applicants.

The present application appears to be based upon some vague idea that because, in the opinion of the Assistant Attorney-General for this Department, approved, in the Scott S. Dumas case, some general views were expressed relative to what might be considered proper evidence to show an attempted compliance with the fourteenth article of the treaty of 1830, the applicants in the Babb case have shown, or can show, compliance by their alleged ancestors.

The motion acted upon September 26th, was denied because it presented no new question. It did not answer the rule laid down in the opinion of the Assistant Attorney-General, and furthermore, the opinion of the Assistant Attorney-General accorded with what had always been the practice of the Department in

(2)

Mississippi Choctaw Cases; no new rule was established; every effort had been made to allow the applicants to show an attempted compliance with the said fourteenth article of the treaty of 1830 by their alleged ancestors that was attempted in the case of Scott S. Dumas.

If rehearings are to be allowed in cases of this class, it will be only upon prima facie showings warranting further investigation by means of such rehearings. It must be shown specifically in affidavits in support of motions for rehearings, what opportunities the witnesses proposed to be introduced had of becoming acquainted with the facts alleged in the motion.

Neither the motion disposed of September 26th, nor that under consideration, do this. The motion is denied. Advise the applicant hereof. Her address is South McAlester, Indian Territory, apparently in care of Farter & Hammond.

The motion has been sent to the Indian Office to be filed with the rest of the papers in the case.

Respectfully,

H. A. Hitchcock.

Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. to Ind. Of.

MCR 6356-6359

COPY

Muskogee, Indian Territory, November 14, 1906.

Maggie Biggs,

c/o Carter & Hammond,

South McAlester, Indian Territory.

Dear Madam :--

There is enclosed herewith copy of Departmental letter of November 7, 1906, denying the application forwarded to the Department with your letter of October 31, 1906, to re-consider Departmental action of September 26, 1906, refusing to re-open the Mississippi Choctaw case of Sarah E. Babb, et al., as to certain applicants.

Respectfully,

SIGNED *Sam Bixby*
Commissioner.

JWH 14-6

MOR 6366-6389

COPY

Muskogee, Indian Territory, November 14, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen :--

There is enclosed herewith copy of Departmental letter of November 7, 1906, denying the application of Maggie Biggs to re-consider the action of the Department of September 26, 1906, refusing to re-consider the consolidated Mississippi Choctaw case of Sarah E. Babb, et al.

Respectfully,

SIGNED *Wm Bixby.*
Commissioner.

JUN 14-7

No.

6359

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name *Maggie Biggs.*

Age *43*

Blood

"14

Post Office,

Ferris Texas

Father: *Martin H. Berry, d.*

Mother: *Emeline Conin, l.*

Claims through

mother "12
Husband,

William Biggs l. w.

No claim for husband

Children:

Neta Biggs, r 16

Jonnie " (F) " 11

Harry " 9

Henry " 7

Connie " 4

Claims for self &
5 children

Stenographer

Clara Mitchell Wood

P. 63
Maggie Biggs et al
REFUSED.

NOTICE

APR

FORWARDED
APR 15 1904

COPY OF DEC
CHICKASAW NATIONS

NOTICE
TO

APR 21 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 22 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

SEP 26 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

SEP 20 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

SEP 20 1904

Maggie Biggs, Es. M. A. L. S. J. T.
4/26/04

Choctaw MCR 6360

Lullah SHofner

MCR 6360

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 29, 1902.

In the matter of the application of Lullah Shofner for the identification of herself and her two minor children William Greilly Shofner and Masey Shofner as Mississippi Choctaws.

Applicant represented by J.O.Pool, Attorney at Law.

Lullah Shofner being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lullah Shofner.
Q What is your age? A Twenty one.
Q What is your post office address? A Ferris Texas.
Q Where were you born? A Mississippi.
Q Where in Mississippi? A Lee County.
Q And went from Mississippi where? A To Texas.
Q And have lived there since? A Yes sir.
Q Is your father living? A Yes sir.
Q And mother? A No sir.
Q What is your father's name? A Bob Greilly.
Q And your mother's name was what? A Jennie Lee Brookshier.
Q You claim through your father or mother? A On both sides.
Q How much Choctaw blood do you claim? A Three eighths.
Q How much Choctaw blood did your father have? A He was half.
Q And your mother? A She was a quarter.
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Jent Shofner.
Q How do you spell that? A J-e-n-t.
Q Do you make any claim for him? A No sir.
Q Is he a white man or a Choctaw Indian? A He's a white man.
Q Now will you give me the names of your children? A William Greilly Shofner.
Q How old is William? A Three years old.
Q The next? A Masey Shofner. A M-a-s-e-y ?
Q Yes sir.
Q Girl? A Yes sir.
Q How old is Masey? A Four months old.
Q You claim for yourself and these two children do you?
Q Yes sir.
Q Is Jent Shofner the father of these two children? A Yes sir.
Q And are you and he living together as husband and wife and are these children living with you at your home? A Yes sir.
Q Were either you or your husband married before you married each other? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
A No sir.

- Q Have you ever made such application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1906? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830; the object of the treaty, that is the object on the part of the government was to remove with their consent all the Indians who lived in that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; after that the treaty was signed and later on on the 24th day of February 1831 was ratified; article fourteen under which you are making your claim to day is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is Article fourteen of the treaty of 1830.

- Q Now I don't believe you understand all that do you? A No sir.

Well article fourteen was put into the treaty of 1830 for the special benefit of Indians who refused to go to the Choctaw Nation Indian Territory under the general provisions of the treaty of 1830; and all that language means simply this those Indians who preferred to stay back there in the old nation could do so if they pleased but in order that they might afterwards become citizens of the Choctaw nation if they

wished to go to the Choctaw Nation Indian Territory they were required within six months after the treaty was ratified they were required to do this: they must go to the United States Indian agent Colonel Ward during that time and tell him to put their names upon his Registry list known as Ward's register, as Indians who wanted to stay in the old Choctaw Nation and who did not want to go to the Choctaw Nation Indian Territory but preferred to remain in the old Choctaw Nation, take land there in that nation or more properly speaking in the state of Mississippi, and also tell him that they intended to become citizens of the United States; now that article further provided that if they did that and lived upon that land for five years and then got a deed to that land or a patent as it is called, from the government, for it, they could then own it; now whether those Choctaw Indians stayed on that land for five years or not or whether in fact they registered under article fourteen or not if they attempted to register before him or if they lost their land after registering or attempting to register having lived on it a little while no matter how long, it would be an attempted compliance on the part of these people with article fourteen of the treaty of 1830. So that the question is now:

- Q Did any of your Choctaw ancestors either comply with the provisions of article fourteen of the treaty of 1830 or attempt to comply; now do you know whether any of your ancestors did or not? A Yes sir.
- Q What is the name of your ancestor or ancestors who did? A My grandfather Breakahier applied.
- Q What's his full name? A Isaac Breakahier.
- Q Other's have given the name of Jim; are you not a little confused about that? A Jim.
- Q Do you know whether that was Isaac or Jim or Fannie or James or John? A I was Jim.
- Q You don't mean Isaac; do you mean Isaac or Jim? A Jim.
- Q What was the name of his wife if you know? A I don't know.
- Q Did he live in Mississippi in 1830 and have a family there then? A I don't know.
- Q Did he live and land in the old Choctaw Nation five years and then get a patent of it from the government, did you ever hear? A No sir.
- Q Did he own or claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did he within six months after the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him that he wanted to stay in Mississippi, take land and become a citizen of the state? A Yes sir.
- Q What did Colonel Ward say to him? A He told him to go west with his tribe; the agent told him to go west with his tribe.
- Q How do you know he went to Ward and Ward told him to go west? A From what I've heard the family say.
- Q Do you remember anybody who told you that? A My aunt.
- Q What is her name? A Emeline Conn.
- Q Has she been before the Commission? A Not yet.
- Q Is she going to go before the Commission? A Yes sir.
- Q She is here as a witness is she? A Yes sir.
- Q Did you ever hear that from anybody else except her? A Well the near relatives.
- Q Can you give the names of anybody else who told you that? A Emeline Conn.

- Q She has made application to be identified? A Yes sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I dont know.
- Q How much Choctaw blood did Jim Brookshier have? A Half.
- Q How you claim through your father Bob O'Reilly; do you know whether he claimed through his father or mother? A His mother.
- Q What was her name? A Eldira Dandridge.
- Q Did she live in Mississippi in 1830? A I dont know.
- Q Do you know whether she was the head of a family there at that time or not? A I dont know.
- Q Do you know whether she received any land in Mississippi from the government, lived upon it five years and then got a deed or patent to that land from the government? A No sir I dont.
- Q Did she go to Colonel William Ward within six months after the ratification of the treaty of 1830 and tell him she wanted to stay in Mississippi take land there and become a citizen of the states? A I dont know.
- Q Do you know whether she claimed through her father or mother? A No sir I dont.
- Q That's as far back as you can go on Bob O'Reilly's side.
- A Yes sir.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states; a good many Indians did this whose names, Colonel Ward neglected to put upon his list known as Ward's register, because of his neglect to do this a great many Indians who had land in the old Choctaw Nation in Mississippi or Alabama lost their land; it was taken from them by the government and sold at its public land sales; this caused many complaints on the part of the Indians that in 1837 by an act of Congress approved March 3 of that year a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 by an act of Congress approved August 23 of that year another commission was appointed for the same purpose; this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits as Choctaw Indians under article fourteen of that treaty? A Yes sir.
- Q Who did; do you know. A No sir.
- Q Do you know before which commission any of your ancestors went, that of 1837 or 1842? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas, to take the place of land which they had formerly held in the old Choctaw nation and which the government had taken from them? A I dont know.
- Q Do you speak or understand the Choctaw language? A No sir.

Lullah Shofer 5

To At torney: Any questions Judge?

Examination by J. O. Pool, Attorney for applicant:

- Q Mr's Shofer, the father and mother of your father -- in other words your grandfather and grandmother on the part of your father -- you claim both were possessed of Indian blood? A Yes sir.
- Q You don't know how much your grandfather had? A No sir.
- Q Only you have heard he had some Indian blood? A Yes sir.
- Q Your grandmother -- was she a full blood? A Yes sir.
- Q Is it not the common history of the family and you have so learned from the history of the family that she did apply? A Yes sir.
- Q You don't know whether she got anything at all or not and don't know whether she was rejected or not but you have heard that she did? A Yes sir.
- Q What kind of looking man is your father as to his complexion? A He's very dark.
- Q Is he of a chocolate color -- dark chocolate or light. A Dark chocolate.
- Q What kind of hair has he? A Black coarse hair.
- Q He is an Indian? A Yes sir.
- Q Lives in Mississippi? A Yes sir..
- Q Living there now? A Yes sir.
- Q Do you know whether he has ever went before the commission that was in Mississippi to recognize the Choctaw Indians there and identify them, or not? A I don't know.
- Q Does he ever write to you? A No sir.
- Q You never have learned from him ---? A Whenever he comes nobody knows he's there, till he's on the place and never knows he's gone till he's gone.
- Q Never tells when he's going to come or leave? A No sir.
- Q Never writes to you in the world? A No sir.
- Q Did you ever see your grandparents on the part of your father? A No sir.
- Q You don't know them as to their color? A No sir.
- Q All you know is what you have been told by your parents and others? A Yes sir.
- Q Then you father may have applied ever there to the commission and he may not. you don't know. A No sir I don't know.
- Q You was born and raised in Mississippi? A Yes sir.
- Q How long have you lived in Texas? A Six years.
- Q You went direct from Mississippi to Texas? A Yes sir.
- Q You have been more accustomed to the family on the part of your mother than you have with your father have you not? A Yes sir.
- Q And have learned more of the ancestry of your mother than you have of your father by being associated more with her people? A Yes sir.
- Q And the common saying and history of the family is that old man Jim Brookshier -- your great grandfather -- he was your great grandfather on the part of your mother? A Yes sir.
- Q Did apply to Colonel Ward within six months after the ratification of the treaty of 1830 and was rejected and ordered to go west with his tribe? A Yes sir.
- Q Then you don't know whether after that time he ever made any attempt before either one of the Commissions appointed to be registered or not? A No sir.
- Q That's as far as you ever heard or learned about it; you know

nothing more? A No sir.

Q How many brothers and sisters have you if any? A I have one sister and one brother.

Q What are their names? A My sister's named Electra Alexander; brother - Otto Greilly.

Q Where do they live? A My sister and brother lives in the Indian Territory.

Q They have not applied? A No sir.

Q They expect to apply; that's your understanding? A Yes sir.

Q You are preparing now to move to the Indian Territory? are you?

A Yes sir.

Q How long before you will be a resident do you think of the Indian Territory? A Why just as soon as I can make preparation to get here.

Q By the first of the year? A Yes sir.

Q You will be here by the first of 1902? A Yes sir.

By the Commission to Attorney: Any time?

By Attorney: thirty days please.

Thirty day's time is allowed this application in which to furnish evidence in support of this application.

This applicant has the appearance and physical characteristics of a person of white parentage except that she has black hair and black eyes; dark complexion; olive complexion.

Q Do you speak Choctaw? A No sir.

By Attorney: Your parents did and grandparents on your father's side? A Yes sir.

This applicant while having the characteristics largely of the white race, shows some strain of other blood which she claims to be Choctaw Indian blood; in the opinion of the Commission she has Indian blood besides white; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clark Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of October 1902, and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clark Mitchell Wood

Subscribed and sworn to before me this 1st day of November 1902.

Charles H. Sawyer

Notary Public

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 29, 1902.

In the matter of the application of Lullah Shofer for the identification of herself and her two minor children William Creilly Shofer and Masey Shofer as Mississippi Choctaws:

Emeline Conn being first duly sworn as a witness testified as follows:

Examination by the Commission:

- Q What is your name? A Emeline Conn.
Q Where do you live? A I live at Ferris Texas.
Q What is your age? A About eighty two.
Q Are you acquainted with Lullah Shofer? A Yes sir I'm acquainted with them.
Q Is she related to you? A Yes sir.
Q Do you come before the Commission to-day to testify as a witness in her case? A Well I can.

Examination By J. O. Paol, Attorney for applicant:

- Q Mrs. Conn, who is the father of Lullah Shofer? A I can't recollect.
Q Was Bob Creilly her father? A Yes.
Q Is it a fact that your mind is not very good.
Q Is it a fact that your mind is not very good to remember things?
A That's so; now it isn't.
Q When your attention though is called to anything, then you know it of a fact? A Yes sir.
Q Did you know her mother Mrs. Brookshier who married Robert Creilly? A Yes sir.
Q Her mother was your brother's daughter? A Yes sir.
Q Was Bob Creilly her father and Mrs. Brookshier her mother white people or did they possess Indian blood? A They possessed Indian blood.
Q Both of them? A Both of them.
Q You have seen her father Bob Creilly? A Yes sir.
Q About how much Indian blood do you think that he had.
A Well I don't know; he looked like he might be half Indian or very near a whole blood.
Q He showed the Indian very distinctly did he? A Yes sir.
Q You have been accustomed to Indians all your life have you not? A Yes sir.
Q Raised in the Indian country? A Yes sir.
Q And you would take him to be nearly a whole blood - more than half. A Yes sir.
Q From his looks and appearance? A Yes sir.
Q Did you know his father - Bob Creilly's father? A No sir.
Q You never saw him? A Not as I recollect.
Q Did you know his mother? A No sir.
Q Never saw her? A No sir.
Q Now as to the mother of Mrs. Lullah Shofer; she was a niece of yours named Brookshier? A Yes sir.
Q And was her father -- what was Mrs. Shofer's father named?
A Graves.
Q He was a son of James Brookshier? A Yes sir.
Q Graves Brookshier was a son of James Brookshier and the father of Mrs. Shofer? A Yes sir.

Emeline Conn2

- Q Was her grandfather, or great grandfather, James Brookshier and Indian or white man? A He was part Indian.
- Q Did he reside in Mississippi when the treaty of 1830 was made at Dancing Rabbit Creek between the Choctaw Indians and the government? A Yes sir.
- Q He resided there? A Yes sir.
- Q Do you know whether he ever applied to Colonel Ward United States agent in Mississippi to be registered and become a citizen of Mississippi and take land there and not come west. A Do I know he did?
- Q Yes, did he ever try to register before Colonel Ward?
- A No sir I don't know.
- Q You don't know that of your own knowledge? A No sir.
- Q Have you ever heard he did? A Yes sir he said he did.
- Q That was what he informed you? A Yes sir.
- Q Did he say he was registered or rejected? A I disremember.
- Q Do you know what he said Ward said to him at that time?
- A No sir I don't know.
- Q Did he tell you that Ward told him to go west with his tribe?
- A O yes he said that - go west.
- Q And refused to register him? A Yes sir.
- Q Do you know anything else he said? A He said something or other; his children could tell you.
- Q This then, was information derived from the old gentleman himself, old man Jim Brookshier? A Yes sir.
- Q Well did you ever hear any one else -- was it commonly talked in the neighborhood amongst the Indians about this refusal there. A I never heard them; his children could tell you about it; I was too young; his older children knows it; they talked it.

--8--

By the Commission:

This witness is eighty-two years old, very feeble in health and mind; as she herself says, she is not fit to testify and give very much information, on account of her memory being poor; she was ten years old at the time the treaty of 1830 was made and gives as well as she can, her recollection of what the ancestor of this applicant, Jim Brookshier, did within six months after the ratification of the treaty of 1830; her testimony must necessarily therefore depend upon what was told her by him and others.

By the Commission:

- Q All you know about Colonel Ward and the treaty of 1830 and Jim Brookshier and other Choctaw Indians having complied with article fourteen of the treaty of 1830 is what you have been told? A Well my father said that he applied but didn't get anything; told him to go west.
- Q Who is your father? A Jim Brookshier.
- Q And what you know is what you have been told by him? A Yes that's what I know.

The Commission will not examine this witness further for the reason that it distresses and excites her somewhat, and for the further reason that her testimony is hearsay and based upon a

memory which at the present time is failing.

---Q---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of October, 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 3rd day of November 1902.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 29, 1902.

In the matter of the application of Lullah Shofer for the identification of herself and her two minor children William Greilly Shofer and Masey Shofer as Mississippi Choctaws.

Harriet Emily Cobb being first duly sworn as a witness in the above entitled cause testified as follows:

Examination by the Commission:

- Q What is your full name? A Harriet Emily Cobb.
Q What is your age? A Fifty eight.
Q What is your post office address? A Ferris Texas.
Q Are you an applicant to be identified before the Commission?
A Yes sir.
Q Are you related to Lullah Shofer? A Yes sir.
Q What relation? A Second cousin.

Examination by J. O. Poo, Attorney for applicant:

- Q Is she related to you through her mother or her father?
A Through her mother's side.
Q Who is her grandfather on her mother's side, - her great grandfather? A James Brookshier.
Q Was he a Choctaw Indian? A I don't know.
Q He was a Choctaw Indian wasn't he? A Yes.
Q Did you ever see him? A Yes sir.
Q What kind of a looking man was Jim Brookshier?
A Well he wasn't to say a chocolate; he was -- yes -- he wasn't to say real black -- he had real black hair and black eyes.
Q He was of a chocolate color but not a dark chocolate? A Not of a dark color.
Q He wasn't white? A No sir.
Q Anyone meeting him; would they recognize him readily if you was to meet him or a man of his color and looks would you recognize him readily as an Indian or white man? A Recognize him to be an Indian.
Q You are accustomed to Indians and have been all of your life? A Yes sir.
Q Do you know if Jim Brookshier the grandfather of Lullah Shofer ever complied or attempted to comply with article fourteen of the treaty of 1830 within six months after the ratification of said treaty by calling upon Colonel Ward who was at that time United States Indian agent, for the purpose of enrolling those people -- to be enrolled for the purpose of becoming a citizen of the states and taking land.
A That was what I was told.
Q That was your understanding and information? A Yes sir.
Q Is that family history? A Yes sir.
Q Got it from people who lived way back there and from other old settlers of that country? A Yes sir.
Q That he did apply? A Yes sir.

- Q Did you learn whether he was enrolled by Colonel Ward or rejected? A Howas rejected.
- Q He applied but was rejected; what have you ever been informed or do you know as to what was said to him by Colonel Ward when he applied? A Yes sir, for him to go west with his tribe.
- Q Did he go west? A No sir.
- Q He stayed there? A Yes sir.
- Q Do you know whether or not he afterwards applied to the Commission of 1837 or 1842? A No sir.
- Q Did he own or have a home in Mississippi? A I dont know.
- Q He lived there but you dont know whether he had a home there? A Yes sir he lived there but I dont know whether he had a home or not.
- Q Did you ever see Bob Creilly the father of Lullah Shofner? A Yes sir.
- Q What was he? A He was Indian.
- Q What kind of looking man was Bob Creilly? A Well he had coal black hair; eyes black; round features; dark chocolate -- well not the darkest but he was very dark.
- Q He was dark chocolate but not the darkest color? A Yes sir.
- Q How much Indian blood from his looks did he show to have? A Why he was more than half; I cant tell how much Indian.
- Q You saw some full bloods -- they were termed full bloods as we came up, at Durant? A Yes sir.
- Q Did he show to have as much Indian as those? A No sir; I dont think he was but he was nearly as much.
- Q He was nearly but not quite? A Yes sir.
- Q Did you ever see his mother? A I saw her twice.
- Q Eliza Dandridge? A yes sir..
- Q Now this is the mother of Bob Creilly I'm speaking about; you have seen her? A Yes sir.
- Q What kind of looking woman was she? A They called her an Indian.
- Q Was she a full blood? A Yes sir.
- Q Where did they all reside? A They resided in Mississippi.
- Q You know nothing or do you know anything of the compliance or attempted compliance by those parties with the treaty of 1830; did you ever hear that they tried to? A No sir.

Examination by the Commission.

- Q You testify that some of the ancestors of Lullah Shofner and particularly Jim Brookhiser went before Colonel William Ward and tried to register under him; you testified to that when you made your application yesterday did you not? A Yes sir.
- Q And you know nothing more about it than you testified to then do you? A No sir.
- Q It's a matter of family history and tradition? -- all you have testified to? A Yes sir.
- Q What you have heard in the family.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 29th day of October 1902 and that the above and foregoing is a full true and

Harriet Emily Cobb 3

correct transcript of her stenographic notes of said proceedings on said date.

Harriet Emily Cobb
subscribed and sworn to before me this 1st day of November
1902.

Charles H. Sawyer
Notary Public

M C R 6360

COPY

Muskogee, Indian Territory, April 5, 1904.

Lullah Shofner,

Ferris, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb, et al., including yourself and children William Creilly Shofner and Macey Shofner.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Woodlee.

Commissioner in Charge.

Registered

M.C.R. 6360

Muskogee, Indian Territory, September 26, 1904.

COPY

Lullah Shofner,

Farris, Texas,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, William Creilly Shofner and Masey Shofner, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

SIGNED

Jame Birby

Chairman.

MUR-6500

Muskogee, Indian Territory, October 20, 1906.

Lullah Shofner,
Ferris, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

DUE

Name Lullah Shofner

Age 21 - Blood $\frac{3}{8}$

Post Office, Ferris, Texas.

Father: Bob Creilly $\frac{1}{2}$ lMother: Jennie Lee $\frac{1}{4}$ dClaims through both parents -
Husband.Gent Shofner l.
No claim for husband.

Children:

William C. Shofner s
Marey " (F) 4 m.Claims for self &
2 minors

Stenographer Clara Miller Wood.

Lullah Shofner et al
REFUSED.

NOTICE OF DECISION FORWARDED
APPLICANT.

On

AUG 11 1911

RECEIVED

1

to

RECEIVED FORWARDED DEPARTMENT
AUG 11 1911

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 11 1911

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT BY MAIL

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT BY MAIL

Choctaw MCR 6361

Georgia Ann Kelly

MCR 6361

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Georgia Ann Kelly, et al.,
for identification as Mississippi Choctaws, M.O.R. 6361.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Georgia Ann Kelly, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of Georgia Ann Kelly upon which is based commission to take depositions-----	7
Commission to take deposition of Mark Bennett-----	8
Caption of deposition of Mark Bennett-----	9
Direct interrogatories propounded to Mark Bennett-----	10
Cross interrogatories propounded to Mark Bennett-----	14
Certificate of Andrew Galt, Deputy Public-----	25
Cover in which deposition of Mark Bennett was transmitted-----	31
Commission to take deposition of Sarah Hill-----	32
Caption of deposition of Sarah Hill-----	33
Direct interrogatories propounded to Sarah Hill-----	34
Cross interrogatories propounded to Sarah Hill-----	35
Certificate of Andrew Galt, Deputy Public-----	38

Cover in which deposition of Sarah Hill was transmitted-----	33
Decision of the Commission refusing the ap- plication of Georgia Ann Kelly, et al., for identification as Mississippi Choctaws-----	34

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T. October 31, 1902.

8541

In the matter of the application of Georgia Ann Kelly for the identification of herself and her three minor children, Ida, Asaiah and Lola Kelly, as Mississippi Choctaws.

S.W. Isaac, attorney for applicant:

Georgia Ann Kelly being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Georgia Ann Kelly.
Q What is your age? A Thirty four.
Q What is your post office address? A Pine, Texas.
Q How long have you lived at Pine? A About 18 years.
Q Where were you born? A In Texas.
Q And you have always lived in Texas, have you? A Yes sir.
Q At what place in Texas were you born? A Oshur County.
Q Is your father living? A I don't know sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A George Clarke.
Q What is your mother's name? A Sarah Hill.
Q Is that her present name? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Pa, through my father.
Q How much do you claim? A A half.
Q Was your father full blood Choctaw Indian? A Mother says so.
Q What is your mother, negro woman? A Yes, she's African she says.
Q Did your father have any negro blood? A No sir.
Q Not a little? A No sir.
Q Was he a slave at any time? A No sir, mother says he was free.
Q Was your mother a slave? A Yes sir.
Q Where in Texas? A No sir, in Mississippi.
Q Were your father and mother ever legally married? A Yes they was
mother says they was.
Q How do you know? A Said they married in Mississippi.

Q do you remember the day of the month and year? A No sir I don't know.

Q Were they married before the war or after? A Before the war she says.

Q Were you living before the war? A Nosir.

Q Were you born after the war was over? A Yes sir.

Q You were born free? A Yes sir.

Q Have you the proof of the marriage of your father and mother with you now? A No sir, not with me I have witnesses here.

Q Somebody who was present when they were married? A Yes, some that lives close to them.

Q Have you any witnesses here who saw them at the time when they were married by minister? A Yes sir.

Q Who is the witness? A Ed Cooperwood; no sir, none here; there's some in the same county we lives in.

Q Where does this Ed live? A Kemp County, Texas.

Q Are you married? A Yes sir.

Q What is your husband's name? A Adam Kelly.

Q Is Adam living? A H--Yes sir.

Q How is Adam a negro? A Yes sir.

Q Do you make any claim for him today? A Nosir.

Q How many minor children have you? A Three; I have only three children. Ida Kelly, about 15; Isaiah Kelly about 13; Lela Kelly 11.

Q That's all, is it? A Yes sir; three is all I have.

Q You claim for yourself and these three minor children, do you? A Yes sir.

Q Is Adam Kelly the father of these three minor children? A Yes sir.

Q Are you the mother of them? A Yes sir.

Q Are you and your husband living together as husband and wife? A Yes sir.

Q Are these children living with you at your home? A Yes sir.

Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for identification-- for citizenship in the Choctaw Nation for yourself and children? A No sir.

Q --to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made any such application for yourself and your minor children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q This is your first application for citizenship in the Choctaw Nation for yourself and children to any authority? A Yes today.

Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, that year, and was made for the purpose of removing as far as practicable all the Choctaw Indians who lived in that old Choctaw Nation, East of the Mississippi River to the Choctaw Nation, Indian Territory. Before

the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw nation, Indian Territory with the other Indians under the treaty. In order therefore to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. The treaty was signed and later on was ratified with that article in it; now article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is article fourteen of the treaty of 1830 under which you are now making this claim for yourself and children; do you know if any of your Choctaw ancestors complied or attempted to comply in any way with article fourteen of the treaty of 1830? A No sir.
- Q What is the name of your Choctaw ancestor through whom you make this claim today? A His name was George Clarke and my grandfather's name is Clarke.
- Q What was his first name? A That's all the name that mother told me was Clarke; from my grandfather.
- Q How much Choctaw blood did he have? A My mother said he was full blood Indian.
- Q Do you know what the name of his wife was? A Mary Clarke.
- Q Did she have any Choctaw blood? A Yes mother said so.
- Q How much? A Said she was full blood Choctaw.
- Q How did your grandfather and his wife Mary live in Mississippi in 1830? A Yes, mother says so.
- Q Did they have children living with them then? A I don't know sir.
- Q In other words was your grandfather or his wife heads of families there at that time? A I don't know sir.
- Q Was your grandfather Clarke or his wife Mary either of them slaves at any time? A No sir mother says they were all free; said they were free.
- Q Did they speak the Choctaw language? A I don't know sir.
- Q Did they have any Choctaw Indian names? A I don't know sir.
- Q How old would your grandparents be if living now? A Mother says that my father would be about 75; I don't know sir how old my grandfather would be.
- Q You don't know whether your father is living or not? A No sir.
- Q Was he born in Mississippi? A Mother says he was.
- Q About 75 years ago? A Yes sir.
- Q Where is your mother living? A In Upshur County, Texas.
- Q How old is your mother, Sarah Hill? A She's about 65.
- Q Well, now you say your mother tells you these things; why don't you get your mother here as a witness in this case? A Well, you can write to her.
- Q Well, you are advised that if you have any witness living who is material in this case who can be obtained and brought before this

Commission to testify you will be given time for that purpose.
A Yes sir.

Q How did your ancestors own or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830 or not? A I don't know sir; I haven't heard mother say.

Q Do you know whether your grandfather Clarke or his wife, Mary, or any other Choctaw ancestor of yours lived on land in old Choctaw Nation which they had received from the Government for five years and at the end of that time do you know whether they received a patent from the Government for the land? A I don't know sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty go to the United States Indian agent and tell him that they wanted to stay in Mississippi, the land there and become citizens of the States? A I don't know sir.

Q Did any of them own any improvements on land in that old Choctaw Nation East of the Mississippi River in 1830? A I don't know.

Q Did your grandfather Clarke or his wife Mary or any Choctaw ancestors of yours go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or 1840? A I don't know sir.

Q Did any of them go from the old Choctaw Nation to the Choctaw Nation Indian Territory at any time previous to this application? A I don't know sir. Q You never heard then that any ancestor of yours received any land from the Government in the old Choctaw Nation and then lived on it five years and got a patent to it from the Government? A No sir, I don't know.

Q Do you know the name of your grandfather's father and mother? A No sir.

Q Or your grandmother's father and mother- of his wife Mary? A No sir.

The Indians who lived in that old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent, Col. Ward, at his agency in Mississippi within six months after the ratification of the treaty and tell him- and register under article fourteen of that treaty as Indians who desired to remain in the old Choctaw Nation and become citizens of the United States and also Indians who wanted to occupy lands in that old Choctaw Nation; a good many Indians did this whose names Col. Ward neglected to put upon his list which has been known ever since as Ward's Register, and because of Ward's neglect to make a proper Register of the names of those Indians who made application to him under article fourteen of the treaty of 1830 a good many Indians who had lands in Mississippi upon which they had improvements had both taken from them by the Government and sold at its Public Land Sale. This caused so many complaints among the Choctaw Indians that Congress appointed a Commission, one in 1837 by an act of Congress approved March 3, that year and another in 1842 under an act of Congress approved August 25, 1842; these different Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did you ever hear that any of your Choctaw ancestors went before either of these Commissions? A No sir.

Q -and claimed any benefits under article fourteen of that treaty? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana and Arkansas? A I don't know sir.

- Q Do you know what this scrip was? A No sir.
Q Did you think it was money? A I don't know what it is.
Q This scrip which was issued under an act of Congress approved August 23, 1842, entitled the holders of it to select land in either of those States or in Mississippi to take the place of the land which the Government had taken from those Choctaw Indians and was given to those Choctaw Indians only who proved their rights under article fourteen of the treaty of 1830 and also proved their right that they had had their land taken from them in the old Choctaw Nation and sold by the Government. You don't know whether any of your ancestors received any or not? A I don't know sir.
Q Do you speak the Choctaw language? A No sir.
Q You never did associate with the Indians much? A I was born in Texas.
Q You didn't associate with the Indians there? A They aint none there.
Q Have you any witnesses you want to introduce now? A (Attorney for applicant says one witness.)
Q Any witnesses here? A I haven't any here now but I will have one here tomorrow.

(S.W. Isaac, attorney for applicant, asks for thirty days to get old people who live in East Texas.)

- Q Do you propose to take depositions in this case? A Yes sir I have about three witnesses for whom we want to take depositions.

(30 days time is allowed in order that depositions of witnesses may be taken under the rules of the Commission.)

- Q Have you any further statements you want to make now? A No sir.
Q Have you any relatives who have been before the Commission; any kin folks who have been here to make application? A No sir; if there is I don't know.

Examination by S.W. Isaac:

- Q You testified that your mother and father lived together as man and wife since the War? A Yes sir since the war.
Q Were living together as man and wife from your impression at the time of your birth? A Yes sir.
Q You have witnesses to prove that by? A Yes sir.
Q How old is your oldest brother or sister? Are you the oldest child of your father? A No sir, I have one brother older'n I am.
Q How much older than you is he? A A year and a half.
Q That's all.

The applicant has the appearance and physical characteristics of being descended from negro parentage; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the

above proceedings on the 31st day of October, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in case.

Henry L. Thomas

Subscribed and sworn to before me this 11 day of November, 1902.

Charles H. Robinson

Notary Public

COPY.

Cure

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Georgia Ann Kelly, et al.,
for identification as Mississippi Choctaws, N.C.R. 6361.

DECISION

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Georgia Ann Kelly for herself and her three minor children, Ida,
Lemish and Lela Kelly, under the following provision of the act of
Congress approved June 25, 1896 (29 Stat., 493):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants
of Clark Clarke (or Clark), and Mary Clarke (or Clark), who are the

leged to have been full blood Choctaw Indians, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1906 (34 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Osh Clarka (or Clark), or Mary Clarka (or Clark) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commission's authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stat., 160) and August 23, 1842 (6 Stat., 512).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Ann Kelly, Ida Kelly, Isaiah Kelly and Lola Kelly, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and that the application for their identification

tion as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tame Bixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

MAY 1 1903

Muskogee, Indian Territory, November 8, 1902.

S. V. Isano,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communication of November 4, 1902, enclosing the affidavit of Georgia Ann Holley wherein she sets forth her reasons for desiring to have the depositions of Mark Bennett, Ed Cooperwood and Sarah Hill taken in support of her application for identification as a Mississippi Choctaw. Same is herewith returned to you for the reason that it is not accompanied by the direct interrogatories to be propounded to each of said witnesses, and for the further reason that there is no proof of service of a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations, and in this regard your attention is invited to Sections C and E of Rule 8 and Rules 12 and 13.

It will be necessary for you to file a separate set of interrogatories to be propounded to each witness and make proof of the service of a copy of each upon the attorneys for the Choctaw and Chickasaw Nations. A commission to take depositions will not

S. W. Isaac-----S

be issued until these rules are strictly complied with.

Respectfully,

Commissioner in Charge

Enclosure
C.H. 45

Muskogee. I. T. Nov. 14, 1902.

Received of the

Commissioner of the Fire Insured Lites one copy
of M.C.P. testimony 6361. "Georgia Ann Kelley" et al

S. W. Deane

M.C.R. 4361

Muskogee, Indian Territory, December 2, 1902.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communication of November 29, 1902, wherein you enclose the affidavit of Georgia Ann Kelly, setting forth her reasons for desiring to have the depositions of Mark Bennett and Sarah Hill taken in support of her application for identification as a Mississippi Choctaw, also copies of the interrogatories to be propounded to said witnesses, together with proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the application of Georgia Ann Kelly, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, commissions will be issued for the taking of these depositions, and forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

M.C.R. 6361.

Muskogee, Indian Territory, December 10, 1902.

S. W. Isaacs,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Inclosed find commission to take deposition of Sarah Hill, to be read in evidence in support of the application of Georgia Ann Kelly for identification as a Mississippi Choctaw.

Attached to this commission are the direct and cross interrogatories to be propounded to said witness, and a caption and certificate which are to be filled out by the Notary Public before whom said deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take deposition and instruct him to return same to this Commission immediately upon the taking thereof, in order that the application in which same is to be used may be brought to as early a determination as possible.

Respectfully,

Acting Chairman.

Enc. H.C. 2

M.C.R. 6361.

Muskogee, Indian Territory, December 18, 1902.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Inclosed find commission to take deposition of Mark Bennett, to be read in evidence in support of the application of Georgia Ann Kelly for identification as a Mississippi Choctaw.

Attached to this commission are the direct and cross interrogatories to be propounded to said witness, and a caption and certificate which are to be filled out by the Notary Public before whom said deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take deposition and instruct him to return same to this Commission immediately upon the taking thereof in order that the application in which same is to be used may be brought to as early a determination as possible.

Respectfully,

Acting Chairman,

Enc. H.C. 1

COPY.

Muskogee, Indian Territory, May 1, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Georgia Ann Kelly et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Ann Kelly, Ida Kelly, Isaiah Kelly and Lela Kelly, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Dixby.

Chairman.

COPY.

Muskogee, Indian Territory, May 1, 1903.

Georgia Ann Kelly,
Pine, Texas.

Dear Madam:

You are hereby advised that on the 1st day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Georgia Ann Kelly et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Ann Kelly, Ida Kelly, Isaac Kelly and Lela Kelly, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office

-2-
and that at the expiration of said time the papers in the case to-
gether with such arguments will be forwarded to the Secretary of
the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Tamie Birby.

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, May 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Georgia Ann Kelly, et al.; applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 1, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also inclosed an argument by Mr. S. W. Isaac, attorney for the applicants, in relation to this case, filed with the Commission subsequent to the rendition of the decision herein.

Respectfully,

SIGNED

Tame Dixby.

Chairman.

2 Enc. H.C.R. 6361.

Through the
Commissioner of Indian Affairs.

U. S. R. 6361

Muskogee, Indian Territory, May 18, 1903.

A. V. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing argument and brief in support of the Mississippi Shootaw case of Georgia Ann Kelly, et al. The same will be transmitted with the record in this case to the Secretary of the Interior.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, May 1, 1903.

S. W. Isaac,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Georgia Ann Kelly et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1890 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Ann Kelly, Ida Kelly, Isaiah Kelly and Lela Kelly, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have

been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully

SIGNED.

Tamr Pirby

Chairman.

Register.

(COPY)

Land.32606-1903.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, November 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, for your consideration, the record and proceedings of the Commission to the Five Civilized Tribes, in the matter of the application of Georgia Ann Kelly, for herself and three minor children, Ida, Isaiah and Lola Kelly, for identification as Mississippi Choctaws, where-in a decision adverse to them was rendered by the Commission May 1, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from Obah Clarke (or Clark) and Mary Clarke (or Clark), who are alleged to have been full blood Choctaw Indians, and residents in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because it does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, that the ancestors through whom they claim complied

(2)

or attempted compliance with the provisions of the fourteenth article of the Choctaw treaty of 1830, or that they signified, in person or by proxy, to Col. William Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said fourteenth article, or presented a claim to rights thereunder to either of the Commissions authorized, under the acts of Congress of March 3, 1837 and August 23, 1842, to adjudicate such claims.

A careful examination of the records of this office has been made with reference to the name of Obah Clarke (or Clark) and Mary Clarke (or Clark), and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very respectfully,

W. A. Jones,

Commissioner.

CTC-O.

(COPY)

D.C. 33286
I.T.D.8278-1903.
L.R.8.

DEPARTMENT OF THE INTERIOR.

W.C.F.
F.H.E.

WASHINGTON, November 27, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 18, 1903, you transmitted the record in the case involving the application of Georgia Ann Kelly (M.C.R.6361), for the identification of herself and her three minor children, Ida, Isaiah and Lola Kelly, as Mississippi Choctaws, including your decision of May 1, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Obah Clarke (or Clark), and Mary Clarke (or Clark), the grandparents of the principal applicant, it being alleged that said ancestors were full blood Choctaw Indians and residents of Mississippi in 1830.

It also appears that George Clarke, father of the principal applicant, was living at the date of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because it did not appear from the evidence offered by them, or from the records in the possession of the Commission, that said ancestors complied or attempted to comply with the provisions of the 14th article of

(2)

the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

X Reporting November 19, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. In his letter transmitting the case he states that it does not appear from the records of his office, that Obah Clarke or Mary Clarke complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

 An examination of a list of names of those persons who received benefits under the 14th article of the Choctaw treaty of 1830, prepared by the Indian Office and furnished the Department, fails to show that any one by the name of Clarke received the benefits of said article or acts. The Department therefore concurs in the recommendation of the Commissioner, and your decision rejecting the applicants is hereby affirmed.

 A copy of the Commissioner's letter is inclosed.

 Respectfully,

 (Signed) Thos. Ryan,

 Acting Secretary.

1 inclosure.

M.O.R. 6361.

COPY.

Muskogee, Indian Territory, December 7, 1903.

Georgia Ann Kelly,
Pine, Texas.

Dear Madam:

You are hereby advised that on the 27th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Georgia Ann Kelly, et al., of which decision you were advised by registered mail on the first day of May, 1903.

Respectfully,

Jame Dixie.
Chairman.

COPY.

Muskogee, Indian Territory, December 7, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Georgia Ann Kelly, et al., of which decision you were advised by mail on the first day of May, 1903.

Respectfully,

SIGNED

James Finley
Chairman.

M.C.R. 6361.

copy.

Muskogee, Indian Territory, December 7, 1903.

S. W. Isaac,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Georgia Ann Kelly, et al., of which decision you were advised by registered mail on the first day of May, 1903.

Respectfully,

(SIGNED)
Tame Dixby,
Chairman.

Received of the Commission to the Five Civilized
Tribes one copy of decision in case of Georgia Ann
Kelly et al M R 6361

J. W. Isaac
Atty for applicants

MA

1902

9

No.

6561

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

OCT 31 1902

Name Georgia Ann Kelly -

Age 34 -

Blood

1/2

Post Office,

Pine, Texas,

Father: George Clarke, -

Mother: Sarah Hill, l.

Claims through

father (full.)
Husband.Adam Kelly, l. negro,
No claim for husband.

Children:

Ida Kelly 15

~~Isiah~~ 13

Isiah " 11

Leba " 11

Claims for self &
3 minors -

H. H. Hains

Georgia

Choctaw MCR 6362

Millie Davidson

MCR 6362

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Millie Davison, et al.,
for identification as Mississippi Choctaws, M.C.R. 5362.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Millie Davison, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1

Decision of the Commission refusing the appli- cation of Millie Davison, et al., for identi- fication as Mississippi Choctaws-----	7
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE. I. T. October 31, 1902.

6362

In the matter of the application of Millie Davison for the identification of herself and her five minor children, Maryland, Oliver, Peter, Margaret, and Estelle Davison, as Mississippi Choctaws.

S. W. Isaac, attorney for applicant.

Millie Davison being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Millie Davison.
Q What is your age? A Twenty seven.
Q What is your post office address? A Pine, Texas.
Q How long did you live in Texas? A Always I was born there.
Q Born and raised in Pine Texas? A Yes; in Upshur County.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Alginier Lavirt.
Q What is your mother's name? A Margaret Lavirt.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A A half.
Q How much was her A He was full blood.
Q Was he full blood negro or Choctaw? A Choctaw.
Q Didn't he have a little negro in him? A I don't know sir, my grandmother and grandfather was Choctaw.
Q How your mother was what? A She was negro.
Q Did she have any Indian in her? A No sir.
Q How was your father a slave at any time? A No sir.
Q Was your mother? A No sir.
Q Sure? You remember about that sure, do you? A That's what they say, they wasn't slaves; I don't know sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know sir.

- Q Do you know when and where your father and mother were married?
A In Mississippi.
Q Where in Mississippi? A I don't know sir.
Q When was it, before the War or after the War-- can you give the day of the month and year? A After the War I expect.
Q You don't remember the date then? A No sir.
Q Do you know whether they were married by a minister under a license or not? A Yes sir.
Q Do you know the minister's name? A No sir.
Q Have you proof of that marriage with you now? A I have witnesses but they aint here with me now.
Q You haven't got the proof here now then? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Peter Davison
Q Is he living? A Yes sir.
Q Is he a white man or what is he? A Negro.
Q Do you make any claim for your husband? A No sir.
Q Now give me the name of your oldest child. A MARYLAND.
Q Is that a boy? A Yes sir.
Q How old is Maryland? A He is going on 8 years old.
Q Now the next? A OLIVER.
Q How old is Oliver? A He is six years old.
Q The name of the next child. A PETER.
Q How old is Peter? A He is five.
Q The next? A MARGARET; she's three.
Q The name of the next? A ESTELLA; one year old.
Q You claim for yourself and these five children, do you? A Yes sir
Q Is Peter Davison the father of these children? A Yes sir.
Q Are you and your husband living together as man and wife?
A Yes sir.
Q Were either you or your husband married before you married each other? A Yes; he was married before.
Q Did his wife die? A Yes sir.
Q And then he married you? A Yes sir.
Q You don't care to introduce the names of any other minor children except those you presented? He has no Choctaw blood? A No sir, I don't care to.
Q This is the first time you were married? A Yes sir.
Q Is your name or the name of any of your minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A I don't know sir.
Q Yes, you do; do you know whether you have been enrolled as Choctaw Indian with your children? A I have not.
Q Have you ever made application for ~~identification~~ citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 22 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Is this the first application for yourself and children that you have ever made for yourself and children for enrollment as Choctaw Indians? A Yes sir.
Q Do you now come before the Commission to identify yourself and minor children as Mississippi Choctaws? A Yes sir.

Q Claiming under article fourteen of the treaty of 1830--that is the article I explained to your friend a while ago. A Yes sir.

Q Did you hear it? A Yes sir.

Q Do you know whether you understand that or not? A No sir, I don't believe I do.

Q Do you know what a treaty is? A No sir.

Q Do you know what an article in a treaty is? A No sir.

A treaty is an agreement in writing made between Nations and because it is in writing and made between two or more Nations it is called a treaty; and an article in a treaty is one of its divisions or parts; one of its sections; now a treaty or agreement in writing was made between the United States Government and the Choctaw tribe of Indians.

Q You have heard of the United States Government, haven't you?

A Yes sir.

Well, this agreement was made between the United States Government and the Choctaw tribe of Indians in the year 1830 on the 27th day of September of that year at a place called Dancing Rabbit Creek in the State of Mississippi; this treaty is sometimes called the treaty of Dancing Rabbit Creek because of the name of the place where it was made in Mississippi. Now, the object of that treaty was to remove as far as practicable all the Choctaw Indians who lived in the old Choctaw Nation East of the Mississippi River from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Of course the Government understood that the Indians could not be moved by force and without their consent, and for that reason made the treaty and induced them to sign it, for when they signed the treaty they agreed to go--all but a certain number of the Choctaws who wouldn't sign the treaty (those Indians elected to remain in the old Choctaw nation refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty.) In order to protect the interests of those Indians who refused to go to the Choctaw Nation Indian Territory under the treaty and article was drawn up and put into the treaty of 1830. This article as I have already explained to you was a subdivision or section of the treaty of 1830 and was passed and inserted into the treaty for the special benefit of those Indians who said they wouldn't go to the Choctaw Nation East of the Mississippi River. After article fourteen was put into the treaty it was signed and later on, on the 24th day of February, 1831 was ratified; article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Person who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now that is article fourteen of the treaty of 1830 which you are making your claim under today. Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article of that treaty? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather was JORDAN LAVIRT.

Q Do you read or write? A Yes sir.

Q Then you know this is spelled right do you? A Yes sir.

Q How much Choctaw blood did Jordan have? A Full blood.

Q Full blood Choctaw? A Yes sir.

Q Did his wife have any Choctaw blood? A Yes sir.

Q What was her name? A Hulda.

Q That was your grandmother, was it? A Yes sir.

Q How much Choctaw blood did Hulda have? A I don't know sir.

Q Did she have any? A Yes sir.

Q Can you estimate the quantity of her blood? A No sir, I don't know.

Q You can claim then through both your grandfather and grandmother do you? A Yes sir.

Q Were they living in the State of Mississippi in 1830? A I don't know sir.

Q Do you know whether they lived in Mississippi or Alabama in the old Choctaw Nation? A I don't know sir.

Q You don't know whether they lived there in 1830 and were heads of families there at that time? A They was living in Alabama.

Q In 1830---72 years ago? A I don't know sir where they was living then.

Q Now can you go back in history to that period of time when the treaty of 1830 was made between the treaty between the United States Government and the Choctaw Indians? A No sir.

Q Is there anything in your family history or tradition of your family that JORDAN LAVIRT or his wife HULDA were living in the old Choctaw Nation in 1830 and were heads of families there then? A I don't know sir.

Q Do you know whether they occupied any land in the old Choctaw Nation which they had received from the Government and after residing upon that land for five years obtain a patent to that land from the Government? A I don't know sir.

Q Were any of your Choctaw ancestors slaves at any time-- Jordan or Hulda or any of them? A I don't know sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A I don't know sir.

Q Did any of them own or claim or receive any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of them own improvements on land in that old Choctaw Nation in 1830? A I don't know sir.

Q You never heard that any of your Choctaw ancestors went to the Choctaw Nation Indian Territory from the old Choctaw Nation at any time? A I don't know sir.

In 1837 by an act of Congress approved March 3, that year, a Commission was appointed by Congress which Commission went to the

State of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek; in 1842 by an act of Congress approved August 23, that year, Congress appointed another Commission to go to Mississippi and hear claimants under article fourteen of the treaty of Dancing Rabbit Creek; these Commissions went to Mississippi and heard a great many claimants under that article of that treaty and made lists of their names; these Commissions were appointed because of the complaints that were made by a great many Choctaw Indians who stated that they had gone to Col. Ward, the United States Indian agent, at his agency within six months from the ratification of the treaty of 1830 and had registered or attempted to register their names under article fourteen of the treaty of 1830, but that he had refused to make any record of their names upon his registry list and because of his neglect they further stated that their land which they held in the old Choctaw Nation had been taken from them and sold by the Government at its Public Land Sale.

Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and further proved that they had land taken from them in the old Choctaw Nation and sold by the Government. But you don't know about that? A No sir I don't know.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any relatives who have been before the Commission before? A No sir.

Q No kin folks ever appeared? A No sir.

Examination by S. W. Isaac;

Q Did you state to the Commission a while ago that your father and mother were married by license? A Yes sir.

Q Well, when and where was it they married? A I don't know sir when; it was in Mississippi.

Q Are you certain it was Mississippi? Was it Louisiana? A Well, that's what she told me in Mississippi; I don't know where.

Q You say your father was a full-blood Choctaw Indian? A Yes sir.

Q You don't know the degree of Indian blood his mother had in her? A No sir; I don't know.

Q You ought to know in order to state that he was a full blood Indian? A Well grandfather was full blood, and grandmother- I don't know how much she was.

Q Well, you said that your father was full blood? A Yes sir.

Q Well, how can you state that he was fullblood without knowing that his mother as well as his father was fullblood? A Well, that's what they told me; I don't know.

Q Did you ever get the impression from your father as to whether he his people were slaves or not? A No sir.

Q Did you ever hear him say whether he was a slave or not? A No sir.

Q Was he a slave? A No sir.

Q How do you know? A That's what they say; what they tell me.

Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q That's all.

(Attorney for applicant asks for thirty days time to take depositions in this case. Thirty days time is allowed this applicant on request of her attorney for the purpose of taking depositions in this case.)

(Commission to applicant:)

Q Is your hair curly or straight, A Its straight.

This applicant has the appearance and physical characteristics of being descended in the main from negro parentage; she has black hair, dark complexion, brown eyes, somewhat of the complexion and features of a negro; her hair is not entirely straight but straighter than the hair of a full blood negro; she has some other blood besides the negro blood which she says is Chectaw Indian.

Q Have you any white blood at all? A No sir.

She says she has no white blood; she does not understand or speak the Chectaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on October 31, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 4th day of November, 1902.

Charles H. Sawyer

Notary Public.

COPY.

Cow

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Millie Davison, et al.,
for identification as Mississippi Choctaw, M.O.N. 6362.

--- D E C I S I O N ---

It appears from the record herein that application for identification as Mississippi Choctaw was made to this Commission by Millie Davison for herself and her five minor children, Maryland, Oliver, Peter, Margaret and Estella Davison, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Jordan Lavirt, who is alleged to have been a full blood Choctaw Indian, and Hulda Lavirt, who is alleged to have been a Choctaw Indian, degree of blood not known.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jordan Lavirt, or Hulda Lavirt, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Millie Davison, Maryland Davison, Oliver Davison, Peter Davison, Margaret Davison and Estella Davison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Jams Bixby.

Acting Chairman.

SIGNED:

T. E. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Washoe, Indian Territory,

FEB 2 1903

Muskogee, Indian Territory, November 8, 1908.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communication of November 4, 1908, enclosing the affidavit of Millie Davison wherein she sets forth her reasons for desiring to have the depositions of Frank Hayden, Mark Bennett and Lee Hopkins taken in support of her application for identification as a Mississippi Choctaw. Same is herewith returned to you for the reason that it is not accompanied by the direct interrogatories to be propounded to each of said witnesses, and for the further reason that there is no proof of service of a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations, and in this regard your attention is invited to Sections 6 and 8 of Rule 2 and Rules 12 and 13.

It will be necessary for you to file a separate set of interrogatories to be propounded to each witness and make proof of the service of a copy of each upon the attorneys for the Choctaw and Chickasaw Nations. A commission to take depositions will not be issued until these rules are strictly complied with.

Respectfully,

Enc. G.X. 46

Commissioner in Charge

Muskogee. I. T. Nov. 14. 1902.

Received of the
Commissioner to the Five Civilized Tribes, one copy
of M. C. R. Testimony 6362. "Willie Danison" et al

S. W. Isaac

COP

M.C.R. 6563

Muskogee, Indian Territory, February 8, 1903.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Millie Davison, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Davison, Maryland Davison, Oliver Davison, Peter Davison, Margaret Davison and Estella Davison as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

COPY.

M.C.R. 6362

Muskogee, Indian Territory, February 2, 1903.

S. W. Isaac,

Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Millie Davison, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Davison, Maryland Davison, Oliver Davison, Peter Davison, Margaret Davison and Estella Davison as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

S. W. Isaac,--2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby.

Acting Chairman.

Registered,

COPY.

M.G.R. 6362

Muskogee, Indian Territory, February 2, 1903.

Millie Davison,

Pino, Texas.

Dear Madam:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Millie Davison, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 22, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Millie Davison, Maryland Davison, Oliver Davison, Peter Davison, Margaret Davison and Estella Davison as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Willie Davison,--8

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Millie Davison, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 3, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tame Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 8862

Land
12,814-1903

C O P Y
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

April 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Millie Davison for the identification of herself and her five minor children, Maryland, Oliver, Peter, Margaret and Estella Davison, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on February 2, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws because of their descent from Jordan Lavirt and Hulda Lavirt who, it is alleged, were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the names of the ancestors through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Jordan Lavirt and Hulda Lavirt, and

it is discovered that their names do not appear among the names of those persons who complied or attempted to comply with the provisions of article 14 of said treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tenner.

Acting Commissioner.

(E.B.H.)

P.

D. C. 13349
I.T.D. 3572-1903
LRB

FHM

C O P Y

DEPARTMENT OF THE INTERIOR,
WASHINGTON, May 4, 1903.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record in the case involving the applications for identification as Mississippi Choctaws of Millie Davison (M.C.R. 6362), for herself and her five minor children, Maryland, Oliver, Peter, Margaret and Estella Davison, including your decision of February 2, 1903, denying their applications.

The applicants claim rights in the Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Jordan Lavirt, who is alleged to have been a full blood Choctaw Indian, and Hulda Lavirt, who is alleged to have been a Choctaw Indian, degree of blood not stated.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter April 2, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

A copy of his letter is inclosed.

The Department finds no reason to disturb your decision,
and it is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure

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1001 A 2 U 3 E A M

COPY.

M.C.R. 6562

Muskogee, Indian Territory, May 19, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Willie Davison, et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

Jame P. P. P.

Chairman.

COPY

M.C.R. 4362

Muskogee, Indian Territory, May 10, 1903.

S. W. Isaac,
Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Willie Davison, et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

SIGNED

James Bixby,
Chairman.

COPY.

M.C.R. 6362

Waskagee, Indian Territory, May 19, 1903.

Willie Davison,
Pine, Texas.

Dear Madam:

You are hereby notified that on the 4th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Willie Davison, et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

(SIGNED)

Lama Birby
Chairman.

B

No.

6362

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

OCT 31 1902

Name Millie Davison

Age ~~28~~ 27 Blood 1/2

Post Office, Pine, Texas.

Father: Alginier Lavirt, d.

Mother: Margaret Lavirt, l.

Claims through father (full) -
HusbandPeter Davison, l. negro
No claim for husband

Children:

Maryland Davison, m. 8

Oliver " " 6

Peter " " 6

Margaret " 3

~~Estella~~ Estella " 1Claims for self &
5 minors

Stenographer

H. G. Heavin

Willie Darison et

REFUSED

DECISION RENDERED. FEB 2 1903

NOTICE OF DECISION MAILED APR 1 1903

FEB 2 1903

NOTICE OF
ATTORNEY

FEB 2 1903

NOTICE OF DECISION
FOR CHOCTAW AND

FEB 2 1903

RECORD FORWARDED DEPARTMENT

FEB 18 1903

ACTION APPROVED BY SECRETARY

MAY - 1 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APR 1 1903

MAY 19 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAY 19 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

MAY 19 1903

Choctaw MCR 6363

Victoria Johnson

MCR 6363

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Victoria Johnson, et al.,
for identification as Mississippi Choctaws, M.C.R. 6363.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

Original application of Victoria Johnson, et al., to the Dawes Commission for identifi- cation as Mississippi Choctaws-----	(Page) 1
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Decision of the Commission refusing the application of Victoria Johnson, et al., for identification as Mississippi Choctaws-----	2
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, November 1, 1902.

In the matter of the application of Victoria Johnson for
the identification of herself and her minor child Madison
Johnson as Mississippi Choctaws:

Applicant represented by S. W. Isaac Attorney at Law.

Victoria Johnson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Victoria Johnson.
- Q What is your age? A Well I'm about fifty I reckon as near as
I can come at it; I don't know.
- Q What is your post office address? A Pine.
- Q What state, A Texas.
- Q How long have you lived in Pine? A I been living there all
the time.
- Q Were you born there? A No sir.
- Q Then you haven't been living there all the time.
- A Well I mean since I been grown; you must 'low for me; I'm
getting old.
- Q Where were you born? A In Alabama.
- Q Whereabouts in Alabama? A I don't know.
- Q Were you a slave in Alabama? A Yes sir I was a slave.
- Q Your father and mother were slaves, do you think? A I don't
know nothing about it. I don't know nothing about my father.
- Q Your mother was a slave? A My mother was free born.
- Q Wasn't a slave? A No sir.
- Q How did you happen to become a slave? A Speculators brought
me to Texas. My mother wasn't a slave.
- Q Never in all her life? A No sir not as I know of; she tells
me she wasn't.
- Q Yet you were? A Yes sir.
- Q Can you explain that? A I came to Texas a little girl.
- Q Who brought you to Texas? A Speculators.
- Q How did the speculators happen to get hold of you? A I don't
know sir.
- Q Is your father living? A I don't know sir.
- Q Is your mother living? A No sir.
- Q What was your father's name? A I don't know sir.
- Q Was he a white man? A I don't know sir.
- Q Don't know anything about him at all? A I don't know sir.
- Q Never heard? A No sir.
- Q You don't know your father's name - never heard it?
- A No sir.
- Q Did you ever hear your mother's name? A My mother's named
Easter.
- Q Is that all the name you ever heard? A That's all I heard.
- Q That's all the name you ever heard; now do you mean to say
under oath that you know your mother wasn't a slave at any
time? A No sir; she wasn't a slave as I know of; never heard
she was a slave.
- Q Through which parent do you claim Choctaw blood?
- A My mother's side.

- Q How much Choctaw blood do you claim? A Half.
- Q Half what? A Choctaw.
- Q Do you claim to be a Mississippi Choctaw? A Yes sir.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I dont know sir.
- Q Why dont you know? A I dont know sir.
- Q Did your father and mother ever live in the Indian Territory? A I dont know sir.
- Q Did you ever hear that they did? A I dont know sir: I aint never heard it that I know of.
- Q Do you know anything at all about this case? A I know that my mother's an Indian - a Choctaw.
- Q How do you know that? A That's what they said.
- Q Who said so? A She said so.
- Q She told you so? A Yes sir.
- Q She looked like a negro didn't she? A She's a Choctaw.
- Q She looked like a negro didn't she? A Yes sir.
- Q Are you married? A Yes sir.
- Q Husband living? A He's deceased.
- Q When you say "deceased" you mean dead? A Yes sir.
- Q What was his name? A Mat Johnson.
- Q He was a negro was he? A Yes sir.
- Q How long has he been dead? A He's been dead as near as I can come at it about -- this fall -- I think will be eighteen years, eighteen or nineteen as near as I can come at it.
- Q You are not married again? A Yes sir. Married again and he's dead too.
- Q What was the last husband's name? A Johnson.
- Q Same name? A Yes sir.
- Q And he's dead too? A Yes sir.
- Q Have you any children under twenty one years of age and unmarried you want to make application for? A Yes sir.
- Q Give me the names? A Let me hear that again.
- Q Have you any children under twenty one years of age and unmarried you want to make application for? A No sir.
- Q I thought you had one about eighteen? A Yes sir. I was thinking you was speaking about this last husband; yet must 'low for me; yes I got one eighteen years old.
- Q What's his name? A Madison Johnson.
- Q How old is? A He's going on eighteen years old.
- Q Seventeen now? A Eighteen years old now; going on that; he will be eighteen years old next --
- Q Is he eighteen years old now or seventeen? A Yes sir.
- Q When will he be eighteen? A He will be eighteen about March.
- Q Well he's seventeen now? A Yes sir; well I dont know.
- Q He wont be eighteen until next March will he? A No sir.
- Q He's seventeen now? A Yes sir.
- Q Is that all the minor children you have? A Yes sir.
- Q What was your second husband's name? A Ben Johnson.
- Q Is he "deceased" too? Is he dead? A Yes sir.
- Q How long ago did he die? A He's been dead about; I dont know exactly.
- Q Which of these two Johnsons, the first husband or the second, was the father of Madison? A Mat was the father of Madison; I named him after him.
- Q Was Ben Johnson a negro? A Negro.
- Q Is your name or the name of your son Madison on any of the

tribal rolls of the Choctaw Nation in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your son to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made any such application for yourself and son to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory, M No sir.

Q Do you come before the Commission now to identify yourself and this son as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article of that treaty? A I dont know sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year; the object of the treaty was to remove as far as possible all the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the general provisions of the treaty and in order to protect the interests of those Indians who preferred to remain back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; an article in a treaty is one of its sections or subdivisions. Now article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Now Auntie do you understand that? A I dont know.

Q Don't understand that very well; well I will explain it a little further to you then.

You know the Choctaw Indians once lived in Mississippi and Alabama; you know that dont you; they once lived in Mississippi and Alabama; that's east of the Mississippi river; they lived there in 1830; the government wanted to get them all to go to the Choctaw Nation Indian Territory; you know where

that is? A Yes sir.

Well a good many wouldn't go; they wanted to stay back in the old Choctaw Nation and they did stay back; but this treaty was made - this agreement was made with the Indians that they should go to the Choctaw Nation Indian Territory; those who wouldn't agree to that wanted to have some words put in to the treaty so that they could have land in Mississippi and afterwards go to the other Indians in the Choctaw Nation if they wanted to; well now those words were put in what was called an article in the treaty; an article is just simply a part of the treaty, and that article said that they might stay in the old Choctaw Nation if they wanted to and take land there and if they lived on it for five years they could have a deed of it from the government; but they must tell the agent who lived in Mississippi - the United States Indian Agent -- they must tell the agent that they wanted to do this, within six months after that treaty was ratified; now those Indians if they should do that, could afterwards go to the Choctaw Nation Indian Territory and have rights with that nation and some did afterwards go but they could not have those rights unless they first complied with article fourteen of the treaty of 1830.

- Q How do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor that you are making this claim through now? A I don't know; what do you mean.
- Q You don't know what I mean? A Ancestor do you; what do you think an ancestor is? A I'm sorter forgetful; you will have to tell me.
- Q Your father would be an ancestor; your mother would be an ancestor; your grandfather and grandmother would be ancestors and your great grandfather and great grandmother would be ancestors; now do you claim through your father or grandfather. A Through my mother.
- Q Your mother alone? A Alone.
- Q You don't go back any further than your mother? A No sir.
- Q You claim through Easter? A Yes sir.
- Q How much Choctaw blood did your mother have? A Full blood she says.
- Q Did she have any negro blood at all? A Full blood Choctaw.
- Q Did she have any negro blood? A I don't know.
- Q If you don't know whether she had any negro blood you don't know whether she was a full blood Choctaw do you?
- A I knowed she was a Choctaw; that's what she said - full blood Choctaw.
- Q Do you think she had any negro blood? A She must have had a full blood Choctaw - a that's a nigger aint it?
- Q Is that isn't a negro; you can't be a full blood negro and a full blood Choctaw at the same time.
- Q Do you mean your mother was a full blood negro? A I mean my mother was a full blood Choctaw; that's what she said.
- Q Did she have curly hair? A I don't know sir whether she had curly hair or not; I was small, very small.
- Q Was your father a negro or white man? A I don't know sir, I don't know whether my father is or not.
- Q You've got negro blood haven't you? A Yes sir I got nigger blood.

- Q Now you say your mother was a full blood Choctaw? A Yes sir.
- Q So you didn't get any negro blood there and you say you don't know whether your father was a white man or not?
- A I don't know nothing about him; I claim through my mother.
- Q How much negro blood do you think you have; about half?
- A Yes sir.
- Q Did you ever hear your father was a full blood negro? A No sir not as I know of.
- Q Did your mother speak the Choctaw language? A I don't know sir.
- Q Do you know where your mother Raster lived in Mississippi or Alabama at any time? A No sir.
- Q Do you know whether any of your Choctaw ancestors lived in Mississippi or Alabama at any time? A I don't know sir.
- Q How do you know you are a Mississippi Choctaw then? A My mother--.
- Q Your mother you say was a full blood Choctaw but you don't know whether she ever lived in Mississippi; you can't be a Mississippi Choctaw unless you can show that you had a Choctaw ancestor who lived in Mississippi or in that old Choctaw Nation any way? You don't know anything about it do you? A No sir; I don't know anything about that.
- Q Never heard that your mother did live in Mississippi? A No sir.
- Q How old would your mother be if living now? A I don't know sir.
- Q You don't know anything about your father and mother? A I don't know.
- Q You don't know much about your father and mother? A I don't know anything about my father.
- Q Don't know your father's name and only a little bit of your mother's name? A I know my mother's name.
- Q You know just Raster; that's all you do know. A Raster Jim is my mother's name.
- Q Do you know whether Raster Jim your mother lived in Mississippi in 1830 and was the head of a family there then? A No sir I don't.
- Q Do you know whether your mother or any Choctaw ancestor of yours lived in that old Choctaw nation east of the Mississippi river upon land which they received from the government and after living upon it for five years received a patent to it from the government? A I don't know sir.
- Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or any other time? A I don't know sir.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi take land there and become citizens of the state? A I don't know sir.

The Choctaw Indians who stayed back there in the old Choctaw nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the state; a good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; because of his neglect to do

this a good many Indians who had land in the old Choctaw Nation upon which they had improvements had their land and improvements taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 Congress appointed a Commission under an act approved March 3 of that year; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 Congress appointed another commission by an act approved August 23 of that year; this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two commissions and claim any rights under article fourteen of that treaty? A I dont know sir.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know sir.
- Q Do you know what I mean by scrip? A Scrip?
- Q What's a scrip? A I dont know sir, right along there now. What do you mean by it?
- Q Well what is meant by scrip here is a certificate or a piece of paper issued by the government to Indians who proved their rights under article fourteen and also proved that they had had their land taken from them in the old Choctaw nation by the government and sold; these certificates were then given to those Indians and they could select land to take the place of land which the government had taken from them; scrip in this sense doesn't mean land; just a certificate or a piece of little paper issued by the government. You understand that now dont you? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Do you know whether the Choctaw language is different fr om the English language? A No sir I dont know.
- Q Might be all the same so far as you are concerned? A I dont know sir.
- Q Now Aunty you dont know very much about this application do you? A I know enough to know my mother was a full blood Choctaw.
- Q That's exactly all you do know; that's all you have testified to; you have got to know a good many more things than that if you want to make a successful application; you have got to know that your mother had Choctaw blood; secondly; you have got to know whether or not she lived in the old Choctaw Nation Third; You have got to know whether she lived there in 1830 . Fourth; You have got to know if she lived there in 1830 whether she was the head of a family there then.
- Q Fifth; You have got to know if she did that she complied or attempted to comply with article fourteen.
- A That I cant tell you; I was too young.
- Q You know nothing about those things? A No sir I dont.

To Attorney:

- Q Any questions Mr. Isaac? A The Commission has covered the ground.

On motion of counsel for this applicant thirty days time is allowed for the purpose of taking depositions in this case.

Victoria Johnson 7

- Q Have you any other testimony you want to present now?
A No sir; I'm sorter losing my mind; I've had a heap of trouble.
Q How long since you've been losing your mind? A I dont know, sir.
Q Your mind is not very good? A I got a very good mind if you dont over talk me; I got to take time with my mind.
Q Your mind is a little weak? A You have to 'low for us old ones to be troubled; we haven't got good minds.

Examination by S. W. Isaac, Attorney for applicant:

- Q You have no education? A No sir not a bit.
Q Dont know anything about figures? A No sir.
Q Dates? A No sir.
Q Did you ever get any information where your mother was, over there; where she lived? A I was born in Alabama.
Q Where your mother lived? A No sir.
Q Never did get any impression as to where she lived or was born? A No sir.
Q But you were born in Alabama? A Yes sir.
Q How do you know you was born in Alabama? A That's what they said.
Q Who? A That's what they say.
Q Did you ever get any impression as to where your mother was born? A No sir.
Q Do you know whether she was born in Alabama Mississippi or where? A No sir.

By the Commission:

- Q Did you say you were born in Alabama? A Yes sir.
Q Then at one time your mother lived in Alabama? A I dont know, sir.
Q If you were born there she had to be there? A I dont know sir.
Q She had to be there didn't she? A It looks like she ought to have been there but I dont know.
Q Do you know if your mother was living in Alabama fifty years ago? A No sir I dont know.
Q You say you are about fifty years old; then she must have been living there then wasn't she? A I dont know sir.

---0---

This applicant is a negro and not only that but a very poor witness and a very, very illiterate and ignorant negro; her testimony throughout is simply a statement that she dont know, in answer to the questions that have been propounded by the Commission; she says she was a slave but was stolen by a speculator.

- Q Did you say you were stolen by a speculator? A No sir I said I come out here with a speculator; I said the speculators brought me out here.
Q They must have stolen you if they made you a slave.
A I dont know whether they stole me or not.
Q But isn't it a matter of fact that speculators did steal you and make you a slave? A Yes sir.

She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the

provisions of article fourteen of the treaty of 1830.

---Q---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 1st day of November, 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 4th day of November 1902.

Charles H. Sawyer
Notary Public

---Q---

COPY.

Civil

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Victoria Johnson, et al.,
for identification as Mississippi Choctaws, M.C.R. 5363.

---: DECISION:---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Victoria Johnson for herself and her minor child, Madison
Johnson, under the following provision of the act of Congress ap-
proved June 28, 1898 (30 Stat., 435):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that both of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants
of Raster Jin, who is alleged to have been a full blood Choctaw
Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Easter Jim signified (in person or by proxy) to Colonel W. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 189) and August 21, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Victoria Johnson and Madison Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be re-

passed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

Tams Dixie

Acting Chairman.

SIGNED.

I. B. Needles

Commissioner.

SIGNED.

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory.

FEB 2 1903

M.C.R. 6363

Muskogee, Indian Territory, November 3, 1902.

E. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your communication of November 4, 1902, enclosing the affidavit of Victoria Johnson, where in she sets forth her reasons for desiring to have the depositions of Mary F. Cherry and Jerry Russell taken in support of her application for identification as a Mississippi Choctaw. Same is herewith returned to you for the reason that it is not accompanied by the direct interrogatories to be propounded to each of said witnesses, and for the further reason that there is not proof of service of a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations, and in this regard your attention is invited to Sections C and E of Rule 2 and Rules 12 and 13.

It will be necessary for you to file a separate set of interrogatories to be propounded to each witness and make proof of the service of a copy of each upon the attorneys for the Choctaw and Chickasaw Nations. A commission to take depositions

S. W. Isaac-----

will not be issued until these rules are strictly complied with.

Respectfully,

Commissioner in Charge

Enclosure
G.H. 47

Muskogee, I. T. Nov. 14, 1902.

Received of the
Commission to the Fair Civilization Tribes, one
Copy of M. C. H. Anthony. 6363. "Victoria Johnson" et al

S. W. Isaac

COPY

M.C.R. 6363

Muskogee, Indian Territory, February 2, 1903.

Victoria Johnson,
Pine, Texas.

Dear Madam:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Victoria Johnson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Victoria Johnson and Madison Johnson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case be-

-3-

gether with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Bixby.

Acting Chairman.

Registered.

COPI

M.C.N. 6263

Muskogee, Indian Territory, February 2, 1903.

E.V. Isaac,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Visteria Johnson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Visteria Johnson and Madison Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

✓ You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

-2-

time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WIGNER

Tame Bixby.
Acting Chairman.

Registered.

COPY.

M.C.R. 6343

Muskogee, Indian Territory, February 2, 1903.
Mansfield, McTearray & Gernish,

Attorneys for the Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 2nd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Victoria Johnson, et al., applicants for identification as Mississippi Cheetaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Victoria Johnson and Madison Johnson, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tams Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Victoria Johnson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 8, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney at record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Lewis Bixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: H.C.R. 6263

Land
12829-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, April 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaws of Victoria Johnson, for herself and her minor child, Madison Johnson, wherein a decision adverse to the applicants was rendered by the commission by the commission on February 2, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Easter Jim. They claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi or Alabama, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of their ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as

citizens of the Choctaw Nation.

An examination has been made of the records in this office with reference to the name of Easter Jim, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.F.(E.)

D.C.11668-1903
I.T.D.3646-1903.
LRS.

(Copy)

FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 22, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 18, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Victoria Johnson (M.C.R. 6362), for herself and her minor child, Madison Johnson, including your decision of February 2, 1903, denying their applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Easter Jim, who is alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter April 7, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A

-2-

copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and
it is hereby affirmed.

Respectfully,

(signed)

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 6363.

COPY.

Muskogee, Indian Territory, April 30, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Victoria Johnson, et al., of which decision you were advised by mail on the 2nd day of February, 1903.

Respectfully,

SIGNED

Charles D. Bixby
Chairman.

N.O.R. 6363.

COPY.

Muskogee, Indian Territory, April 30, 1903.

S. W. Isaac,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Victoria Johnson, of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

SIGNED

Tama Pate
Chairman.

M.C.R. 6863.

COPY

Muskogee, Indian Territory, April 30, 1903.

Victoria Johnson,
Pine, Texas.

Dear Madam:

You are hereby notified that on the 28th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Victoria Johnson, et al., of which decision you were advised by registered mail on the 2nd day of February, 1903.

Respectfully,

SIGNED

JAMES BIRBY,
Chairman.

No.

6563

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 1 1902

Name Victoria Johnson

Age 50 — Blood 1/2 —

Post Office, Pine, Texas.

Father: don't know —

Mother: Easter Jim. d.

Claims through mother —
Husband. (1)

Mat. Johnson, (d.) neg.
Husband (2)

Ran Johnson, (d.) - neg.

Children:

Madison Johnson 17. ~~##~~

Claims for self
and one child

A MISSISSIPPI CHOCTAW

Victoria Johnson
REFUSED

DECISION RENDERED. FEB 2 1903

NOTICE OF DECISION MAILED APPLICANT.

FEB - 2 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB - 2 1903

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

FEB - 2 1903

REC'D & FORWARDED DEPARTMENT:

FEB 18 1903

ACTION APPROVED BY SECRETARY OF INTERIOR:

APR 9 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 30 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

FEB 30 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 17 1903

JPR

Choctaw MCR 6364

Mary Sayles

MCR 6364

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--O--

In the matter of the application of Mary Sayles, et al., for
identification as Mississippi Choctaws, M.C.R. 6364.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Mary Sayles, et al., to the Dawes Commission for identification as Mis- sissippi Choctaws-----	1
Affidavit of Mary Sayles upon which is based commis- sion to take depositions-----	6
Commission to take deposition of Allen Flewollen-----	7
Caption to deposition-----	8
Direct interrogatories propounded to Allen Flewollen-----	9
Cross interrogatories propounded to Allen Flewollen-----	11
Certificate of S. G. Keet, Notary Public-----	18
Cover in which deposition of Allen Flewollen was transmitted-----	19
Commission to take deposition of Oscar Hargett-----	20
Caption to deposition of Oscar Hargett-----	21
Direct interrogatories propounded to Oscar Hargett-----	22

Cross interrogatories propounded to Oscar Hargett-----	24
Certificate of S. O. Root, Notary Public-----	31
Cover in which the deposition of Oscar Hargett was transmitted-----	32
Decision of the Commission refusing the applica- tion of Mary Sayles, et al., for identification as Mississippi Cheataws-----	35

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 1, 1902.

In the matter of the application of Mary Sayles for the identification of herself and her six minor children, Apostle Ezekiel Sayles, Ester Parilla Sayles, Pearlle Goldsmith Sayles, May Dee Sayles, General Theodora Sylvester Sayles and Bishop Bebee Sayles as Mississippi Choctaws.

Applicant represented by S. W. Isano, Attorney.

Mary Sayles being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Sayles.
Q What is your age? A About forty eight.
Q What is your post office address? A Pecos Texas.
Q How long have you lived at Pecos? A I lived there all my life.
Q Born there? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Jesse Newson.
Q What is your mother's name? A Sarah Newson.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One quarter.
Q Do you claim your father was one half? A Yes sir.
Q What was his other blood besides his Choctaw? A Negro I reckon.
Q And was your mother a negro woman? A Yes sir.
Q Was your father at any time a slave? A I don't know sir.
Q Was your mother? A Yes sir.
Q And you were I presume? A Yes sir.
Q And you and your mother were liberated during the war of emancipation? A We was deliberate.
Q You were liberated - freed at the emancipation? A Yes sir.
Q Has your father ever been recognized or enrolled in any way as a citizen of the Choctaw Nation by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not as I know of.
Q Do you know when and where your father and mother were married? A In Texas I reckon.
Q You don't know the date? A No sir.
Q Were they married by a minister under a license? A No sir they was married like people married in slavery times.
Q You have no proof of that marriage with you have you.
A Not only just got proof they lived together as husband and wife.
Q Are you married? A Yes sir.
Q What is your husband's name? A Thomas Sayles.
Q He's living is he? A Yes sir.
Q Is he a negro? A Yes sir.
Q Do you make any claim for your husband as a Choctaw Indian?
A No sir.
Q Now you say you have minor children you want to make application for who are under age and unmarried.

- A I have got six under age and unmarried.
Q Now give me the oldest of that number.
A APOSTLE BENJAMIN.
Q He's a Sayles? A Yes sir.
Q How old is Apostle? A He's going on nineteen.
Q What's the next one? A ESTER PARILLA.
Q How old is she? A She's fifteen.
Q What's the next one? A PEARLIE GOLDSMITH.
Q How old is Pearl? A Thirteen.
Q How the next? A MAY DEW.
Q How old is May? A She's eleven.
Q The next? A Eight.
Q The name? A GENERAL THEODORA SYLVESTER SAYLES.
Q How old is he? A He's eight years old.
Q What's the name of the next? A BISHOP HENRY.
Q How old is Bishop? A Four years old.
Q Are there any other children? A That's the youngest.
Q You claim for yourself and these children do you? A Yes sir.
Q Now is Thomas Sayles the father of these children?
A Yes sir.
Q And you are the mother and they are living with you at your home? A Yes sir.
Q Are you and your husband living together as husband and wife? A Yes sir.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know anything about.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No.
Q Yes? A No sir.
Q Have you ever made any such application for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir; I don't know a thing about it.
Q Is this the first application you have ever made for yourself and children for citizenship in the Choctaw Nation? A Yes sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify them as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A I never understand it but I can't explain it you know.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory.

and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty or not? A Not as I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; who do you claim through? A My father.
- Q Can you go back further than your father? A To my grandmother.
- Q His mother? A Yes sir.
- Q What was your father's mother's name? A Susan Jane.
- Q Is that the full name? A That's all I know.
- Q How much Choctaw blood did she have? A I don't know sir.
- Q Well your father got his Choctaw blood through his mother didn't he? A I don't know whether he got it through his mother or his father.
- Q You don't remember Susan Jane or his father? A No sir I don't.
- Q Well you will have to give me the name of his father.
- A Newsom is all I know.
- Q Then his wife's name Susan Jane? His wife's name was Sarah.
- Q I'm talking about your father's father and mother. He must have been a Newsom; your father's name was Newsom; I'm trying to get at your Choctaw blood; you make your claim through your father and he had half I suppose if he got his Choctaw blood from his father or mother. A I loved he got it by both sides - his father and mother.
- Q His father's name was Newsom? A Yes sir.
- Q And his mother's name was Susan Jane Newsom or Susan Jane alone - which was it? A Susan Jane is all I know.
- Q How much Choctaw blood did your father's father have? A I don't know sir.
- Q How much Choctaw blood did your father's mother have? A I don't know how much she had; my father, they said, was half.
- Q And your father whom you claim was one half Choctaw Indian got his blood through his father and mother but you don't know how much either of them had? A No sir.
- Q Did your mother's father and mother live in Mississippi in 1830? A They lived in Mississippi; now I can't tell when they

it was; they lived in Mississippi but I dont know when it was.

- Q Dont know whether they lived there in 1830 and were the heads of a family there then? A I dont know when it was they lived there but they lived in Mississippi.
- Q Do you know whether they complied or attempted to comply with article fourteen of the treaty of 1830? A Not as I know of.
- Q Do you know whether either of them claimed any land or received any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did either of them live on land in the old Choctaw Nation for five years and then receive a patent to that land from the government? A Not that I know anything about.
- Q Did either of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory between 1833 and 1838 or forty? A I dont know sir.
- Q Did either of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time previous to this application made by you today? A I dont know sir; not as I know of.
- Q Did you ever hear that either your grandfather or grandmother within six months after the ratification of the treaty of 1830 went to the United States Indian agent Colonel Ward and told him they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know sir; not as I know of.
- Q Did either your grandfather or grandmother own any improvements on land in the old Choctaw Nation east of the Mississippi river? A Not that I know of.

The Indians who remained back in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians under the treaty were required if they wanted to take advantage of article fourteen of the treaty, to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the states; a good many Choctaw Indians did this who came to Colonel Ward neglected to put upon his list known as Ward's register and because of his neglect to do this a great many Choctaws who had land in the old Choctaw Nation upon which they had improvements had both their land and improvements taken from them by the government and sold at its public land sales; this caused a great many complaints among the Indians so that Congress appointed two commissions one in 1837 and the other commission in 1842; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions, one in 1837 and one in 1842 and claimed any benefits under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen and who also further proved

This strip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen and who also further proved that their land in the old Choctaw Nation had been taken from them by the government and sold..

- Q Do you speak or understand the Choctaw language? A No sir.
Q You know nothing about that land to you? A No sir.
Q Have you any other relatives that have been before this Commission before you - any kin folks of yours been here before the Commission? A No sir; not that I know anything about.
Q Have you any other evidence you want to present now in support of this claim? A I've got other kin folks.
Q I mean evidence here? A No sir.

To attorney:

- Q Any questions Mr. Isaac,

Examination by S. W. Isaac:

- Q Don't you know when your grandparents lived in Mississippi?
A No sir I don't know when it was.
Q You know they lived there? A I've heard that lived there.
Q But you don't know when it was? A No sir.
Q About how old would your father be if living now? A He would be seventy something I think if he was living.

On motion of attorney for applicant thirty days time is allowed for depositions in this case to be taken.

This applicant has the appearance and physical characteristics of being descended from negro parentage; does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 1st day of November 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings, said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 5th day of November 1902.

Charles H. Sawyer
Notary Public

File
Cow

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Bayles, et al., for
identification as Mississippi Choctaws, M.C.R. 6164.

--- D E C I S I O N ---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Mary Bayles for herself and her six minor children, Apostle
Michael, Peter Parilla, Fearlie Goldsmith, May Sue, General Thomas
Lora Sylvester and Bishop Rebec Bayles, under the following pro-
vision of the act of Congress approved June 30, 1898 (30 Statute
495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears from the testimony that the principal ap-
plicant was born of a slave mother prior to the Emancipation Procla-

mation and was herself a slave, and that the other applicants are her lineal descendants, and it does not appear from the records in the possession of the Commission that any one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Sayles, Apostle Ezekiel Sayles, Neter Parilla Sayles, Perlie Goldsmith Sayles, May Dee Sayles, General Theodore Sylvester Sayles and Bishop Babee Sayles as such, should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Jama Bixby

Acting Chairman.

SIGNED:

T. B. Needles

Commissioner.

SIGNED:

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

APR 27 1893

Muskogee, Indian Territory, November 8, 1902.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communication of November 4, 1902, enclosing the affidavit of Mary Bayles, wherein she sets forth her reasons for desiring to have the depositions of Benjamin Fievelles, Allan Fievelles and Oscar Hargett taken in support of her application for identification as a Mississippi Choctaw. Same is herewith returned to you for the reason that it is not accompanied by the direct interrogatories to be propounded to each of said witnesses, and for the further reason that there is no proof of service of a copy of said interrogatories upon the attorneys for the Choctaw and Chickasaw Nations, and in this regard your attention is invited to Sections C and E of Rule 8 and Rules 12 and 13.

It will be necessary for you to file a separate set of interrogatories to be propounded to each witness, and make proof of the service of a copy of each upon the attorneys for the

S. W. Isaac-----

Choctaw and Chickasaw Nations. A commission to take depositions
will not be issued until these rules are strictly complied with.

Respectfully,

Commissioner in Charge

Enclosure
G.H. 48

Muskogee. I. T. Nov. 14. 1902.

Received of the
Commission to the Five Civilized Tribes, one copy
of M.C.P. testimony. 6364. "Mary Sayles" et al.

J. W. Isaac

M.C.R. 6366

Muskogee, Indian Territory, December 2, 1902.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communication of November 29, 1902, wherein you enclose the affidavit of Mary Sayles setting forth her reasons for desiring to have the depositions of Oscar Hargett and Allen Flewelden taken in support of her application for identification as a Mississippi Choctaw, also copies of the interrogatories to be propounded to said witnesses, together with proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the application of Mary Sayles, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, commissions will be issued for the taking of these depositions, and forwarded to you, to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Acting Chairman

M.C.R. 6364.

Muskogee, Indian Territory, December 18, 1902.

S. V. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Enclosed find commission to take deposition of Oscar Hargert, to be read in evidence in support of the application of Mary Sayles for identification as a Mississippi Choctaw.

Attached to this commission are the direct and cross interrogatories to be propounded to said witness and a caption and certificate which are to be filled out by the Notary Public before whom said deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take deposition and instruct him to return same to this Commission immediately upon the taking thereof in order that the application in which same is to be used may be brought to as early a determination as possible.

Respectfully,

Acting Chairman.

Enc. H.C. 3

M.C.R. 6364.

Muskogee, Indian Territory, December 18, 1908.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Inclosed find commission to take deposition of Allen Flowellen, to be read in evidence in support of the application of Mary Sayles for identification as a Mississippi Cheetaw.

Attached to this commission are the direct and cross interrogatories to be propounded to said witness, and a caption and certificate which are to be filled out by the Notary Public before whom said deposition is taken.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take deposition and instruct him to return same to this Commission immediately upon the taking thereof in order that the application in which same is to be used may be brought to as early a determination as possible.

Respectfully,

Acting Chairman.

Enc. H.S. 4

COPY.

M.C.R. 6364.

Muskogee, Indian Territory, April 27, 1903.

Mary Sayles,
Mccona, Texas.

Remailed Pacono. Texas. July 23, 1903

Dear Madam:

You are hereby advised that on the 27th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Sayles, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Sayles, Apostle Ezekiel Sayles, Ester Parilla Sayles, Perlis Goldsmith Sayles, May Dee Sayles, General Theodore Sylvester Sayles and Bishop Babee Sayles as such, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office, and that at the expiration of said time the papers in the
case together with such arguments will be forwarded to the Secre-
tary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *Tams Bixby.*

Chairman.

Registered.

RECEIVED
JAN 10 1890
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

COPY.

Muskogee, Indian Territory, April 27, 1903.

S. W. Isano,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Sayles, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Sayles, Apostle Ezekiel Sayles, Ester Parilla Sayles, Perlie Goldsmith Sayles, May Dee Sayles, General Theodora Sylvester Sayles and Bishop Edwin Sayles as such, should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Birba
Chairman.

Registered.

EX-1011

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mary Sayles, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1892 (20 Stats., 490).

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Sayles, Apostle Ezekiel Sayles, Ester Parilla Sayles, Perlie Goldsmith Sayles, May Dee Sayles, General Theodora Sylvester Sayles and Bishop Bebee Sayles as such, should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tamm Bixby,
Chairman.

COPY.

Muskogee, Indian Territory, May 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mary Sayles, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 27, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED,

T. B. Needles.

Through the

Commissioner of Indian Affairs.

Enc. M C R 6304.

Mustang, Indian Territory, May 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw case of Mary Hayles, et al., the record therein, together with the decision of the Commission refusing said application, was, on May 13, 1903, transmitted to the Department.

On this date there was received from S. W. Isaac, attorney for the applicants herein, his argument and brief in support of said case. The same is herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

WOM 7/0

M C N 4364

Muskogee, Indian Territory, May 15, 1903.

B. V. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, enclosing brief and argument in support of the Mississippi Choctaw case of Mary Bayles, et al. The same has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

K C R 6364

Muskogee, Indian Territory, May 27, 1905.

W. H. Merriett, P. M.,
Eucena, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you state "I hold at this office registered letter No. 16105 addressed to Mary Baylen, reached this office May 1st. I cannot deliver it as the addressee is unknown to and I cannot locate here. If you misdirected same and will advise me I will forward to correct address."

In reply you are kindly requested to forward said letter to Eucena, Texas.

Respectfully,

Commissioner in Charge.

(COPY)

(COPY)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Land.
31592-1903.

WASHINGTON

August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated May 13, 1903, transmitting the record of the application for identification as Mississippi Choctaws of Mary Bayles for herself and her six minor children, Apostle Mackiel, Mather Parilla, Pearlle Goldsmith, May Dee, General Theodora Sylvester and Bishop Beebe Bayles.

April 27, 1903, the Commission decided that the applicants were not entitled to identification as Mississippi Choctaws.

The records show that the principal applicant is about forty-eight years of age and was born in the State of Texas as a Negro slave of a negro slave mother and a father whose status is doubtful, though it is alleged that he was a half blood Choctaw. The other applicants are her lineal descendants.

The record does not show that any of the applicants are recognized or identified as Mississippi Choctaws, and the names of their alleged ancestors were not identified in the records of this office.

--2--

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very Respectfully,

A. C. Tenner.

Acting Commissioner.

H.H.M.

W.

3 encl.

(COPY)

DEPARTMENT OF THE INTERIOR

J.V.H.
JHM

D.C. 29888-1904.
ITD 6208-1904. WASHINGTON August 15, 1904.

L.R.S.

Commission to the Five Civilized Tribes

Washkago, Indian Territory,

Gentlemen:

May 13, 1903, you transmitted the record in the matter of the application of Mary Bayles, et al (M.C.R. 6364), for identification as Mississippi Choctaws, with your decision of April 27, 1903, refusing to identify them as such.

Reporting in the matter August 1, 1904, the Acting Commissioner of Indian Affairs recommends that your action be approved.

It does not appear from the testimony of the principal applicant, or from that furnished by her witnesses, that any of her ancestors ever complied or attempted to comply, in any way, with the provisions of article 14 of the treaty of September 27, 1830, and, as none of the applicants are Choctaws of the full blood, they are not, of course, entitled to identification as Mississippi Choctaws. The condition of the record being such, it is not necessary to approve or disapprove, herein, of the reasoning upon which your decision was based, which is as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw," reference being made to the Act of Congress approved June 26, 1896 (30 Stat., 498).

See also opinion of the Assistant Attorney General of

October 30, 1902, construing section 41 of the Choctaw-Chickasaw agreement.

For the reasons herein stated, your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.

1 inclosure.

M.C.R. 0364

COPY?

Wankogee, Indian Territory, August 27, 1904.

Mary Sayles,

Pecos, Texas,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Sayles, et al., of which decision you were advised by registered mail on the 27th day of April, 1903.

Respectfully,

SIGNED

Jane Bixby.

Chairman.

M.C.R. 6366

COPY.

Muskogee, Indian Territory, August 27, 1904.

S. W. Isaac,
Attorney at Law,
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Bayles, et al., of which decision you were advised by registered mail on the 27th day of April, 1903.

Respectfully,

(SIGNED)

Tamr Dixby

Chairman.

M.C.R. 6344

COPY.

Muskogee, Indian Territory, August 27, 1904.

Manafield, McMurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Bayles, et al., of which decision you were advised by mail on the 27th day of April, 1903.

Respectfully,

SIGNED:

Jane Bixby.

Chairman.

Muskogee, Indian Territory, September 27, 1904.

Mary Sayles,

Grayson, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that on August 15, 1904, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on August 27, 1904.

The Commission now considers your case closed, and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

JD

Chairman.

Copy of testimony furnished
Mary Sayles Feb 2/1806

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date NOV 1 1902

Name Mary Sayles.

Age 48 — Blood 1/4

Post Office, Pecos, Texas.

Father: Jene Newsom. d

Mother: Sarah " b.

Claims through father (1/2)
Husband.

Thomas Sayles, l. negro.
No claim for husband.

Children:

Apostle E. Sayles 19

~~Ester~~ #

Ester P. " 15

Pearlie G. " 13

May Lee " 11

General T. S. " 8

Bishop B. Bar " 4

Claims for self &
6 minors

Stenographer Clem Mitchell Wood

Received of the Commission to the
Five Civilized Tribes one copy of decision
in case of Mary Sayles et al. MeR 6364

5/4/03

J. W. Isaac
Att. for Applicant

Mary Bayles et al

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR

AUG 10 1904

NOTICE OF DEPARTMENTAL
ACTION MADE APPLICANT

AUG 21 1904

NOTICE OF DEPARTMENTAL ACTION
FOR THE PURPOSE OF
RENEWING THE PATENT

AUG 21 1904

FOR THE PURPOSE OF
RENEWING THE PATENT

DECISION PREPARED

Choctaw - MCR 6365

Ellen Ford

MCR 6365

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Ellen Ford, et al., for
identification as Mississippi Choctaws, M.C.R., 6363.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

(Page)

Original application of Ellen Ford, et al.,
to the Dawes Commission for identification as
Mississippi Choctaws----- 1

Decision of the Commission refusing the appli-
cation of Ellen Ford, et al., for identification
as Mississippi Choctaws----- 7

---0---

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 3, 1903.

In the matter of the application of Ellen Ford for the identification of herself and her minor children, Neelie, Joe, Dora, Alvin and Ben Ford, Jr., as Mississippi Choctaws.

Applicant represented by S. W. Isaac Attorney at Law.

Ellen Ford being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ellen Ford.
Q What is your age? A About forty eight I believe.
Q What is your post office address? A Wilmer Texas.
Q How long have you lived there? A I've lived there about nearly thirty years I reckon.
Q Where were you born? A In Mississippi, close to Vicksburg.
Q How long did you live in Mississippi? A I don't know sir; I was small you know.
Q Where did you go to from Mississippi? A Come to Texas.
Q Is your father living? A No sir my father's dead.
Q Is your mother living? A No sir she's dead.
Q What was your father's name? A My father was named Gibson.
Q Do you know the full name? A Yes sir; my father was a Harris.
Q Harris Gibson? A No sir my father was a Harris.
Q Give me his full name? Harris what? A John Harris I think.
Q What was your mother's name? A Kittie.
Q Kittie what? A Kittie Harris.
Q K-i-t-t-i-e is it? A Yes sir.
Q Through which parent do you claim Choctaw blood- father or mother? A Mother.
Q You don't claim through your father? A No sir.
Q How much Choctaw blood do you claim? A Half.
Q How much do you claim your mother had? A My mother was full.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q What was your father's blood or nationality? A He was a colored man.
Q Was he a slave at any time? A Yes sir.
Q Was your mother a slave? A No sir she wasn't a slave, till she married him, you know.
Q Then she became a slave? A Yes sir.
Q She married him before the war? A Yes sir.
Q Were you a slave? A Yes sir a while; when the surrender was, I was fourteen I think, I was young when the surrender was.
Q At the time of the surrender were you and your parents liberated? A No sir; my mother died.
Q She died before that? A She died directly after the surrender.

Q She was liberated at the time of the surrender - she was freed at the time of the act of emancipation? A Yes sir.

Q Are you married? A Yes sir.

Q What is your husband's name? A Ben Ford.

Q Is he living now? A Yes sir; he is present here.

Q That's the man over there is it? A Yes sir..

Q He looks to me like a full blood negro; is he? A I guess he is.

Q You don't make any claim for him do you? A No sir.

Q Now give me the names of your children commencing with the oldest under twenty one years of age and unmarried? A Emeline seventeen.

Q Emeline Ford? A Yes sir.

Q Now the name of the next? A Joe Ford.

Q How old is Joe? A Sixteen.

Q What's the name of the next one? A Dora.

Q How old is Dora? A She's twelve.

Q What is the name of the next child? A Alvin.

Q A-l-v-i-n? A Yes sir.

Q How old is Alvin? A Eight years old.

Q The name of the next? A Ben Ford.

Q Is that Ben, Jr.? A Yes sir.

Q How old is Ben? A He's five years old going on six.

Q What is the name of the next? A The eldest?

Q The youngest? A That's all.

Q You have five under age, then; I thought you said six. A No sir, five.

Q You claim for yourself and these five children do you?

A Yes sir.

Q Is Ben Ford the father of these five children? A Yes sir.

Q Are you and your husband living together as husband and wife?

A Yes sir.

Q Are these children living with you at your home? A Yes sir.

Q Were either you or your husband married before you married each other? A I wasn't.

Q Was he married before? A Yes sir; he's been married.

Q Did he other wife die? A Yes sir his wife died, before he and him was married.

Q Have you any other children by this same husband Ben Ford?

A Yes sir.

Q Give the names of those other children commencing with the oldest? A Virginia.

Q Is she married? A Yes sir.

Q What's her name? A Virginia Schoeler.

Q Where does she live? A She lives in Marion County I believe.

Q Do you know her post office address? A No sir I don't know her post office address.

Q What state does she live in - Mississippi? A In Texas.

Q Now give me the name of the next child? A Lillie Griffin.

Q What's her husband's name? A Albert Griffin.

Q Give his post office address. A Gilmer Texas.

Q Give the name of the next? A Charlie Ford.

Q Where does he live? A In Gilmer.

Q Give me the name of your next child? A Ada Wilson.

Q What's her husband's name? A Charlie Wilson.

Q What is their post office address? A Lafayette Texas? A Yes sir.

- Q Are there any others? A No sir.
- Q That's all the children, is it? A Yes sir.
- Q None of these have been before the Commission have they to be identified? A No sir.
- Q Have any of your relatives been before this Commission to be identified as Mississippi Choctaws? A No sir.
- Q Is your name or the names of your minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Daves Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship with your children in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw Nation to either the Choctaw tribal authorities, or the United States authorities for yourself and children? A Yes sir.
- Q Do you now come before the Commission to identify yourself and these minor children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; a treaty is an agreement in writing made between two or more nations and an article in a treaty is one of its subdivisions or sections; this treaty of 1830 was made between the United States government and the Choctaw Indians for the purpose of getting the consent of the Indians to remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation, article fourteen was put into the treaty of 1830 and was a part of it; the treaty then was signed and afterwards on the 24th day of February 1831 was ratified; article fourteen is as follows:

"Each Choctaw Head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue

said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830 under which you are claiming today.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A I dont know.
- Q You know what I mean by ancestors? A No sir I dont know.
- Q I mean your kin folles - your father or mother or any of your grandfathers or grandmothers or any of your great grandfathers or great grandmothers; you understand what ancestor means now? A Yes sir.
- Q Give me the name of your ancestor that you claim through who had Choctaw blood; going back further than your mother if you can? A Well I've heard my mother speak of my grand father you know and grandmother.
- Q Did your grandfather and grandmother both have Choctaw blood? A Yes sir; full bloods.
- Q What was your mother's father's name? A Gibson I heard her say.
- Q Is that all the name you know? A Yes sir; that's all I know.
- Q That's your grandfather on your mother's side? A Yes sir.
- Q He was a full blood Choctaw Indian you say? A Yes sir.
- Q What was his wife's name? A Caroline.
- Q Caroline Gibson? A Yes sir.
- Q Was she a full blood Choctaw Indian too? A Yes sir; that's what they said; I wasn't old enough to know you know.
- Q Did you know Gibson? A Yes sir - no sir - I've heard mother speak about him.
- Q You know neither your grandfather personally or your grandmother? A No sir.
- Q All you know is what you heard your mother say about it? A Yes sir.
- Q Did your mother ever say that your grandfather or grandmother lived in Mississippi in 1830? A Yes sir.
- Q Did they have a family there then? A Yes sir; that's what she said.
- Q In other words they were heads of families in Mississippi in 1830 you think? A Yes sir.
- Q How old would Gibson or his wife Caroline be in living now? A I dont know sir; I cant tell you.
- Q Did either of them have an Indian name? A Gibson is all I know.
- Q And Caroline? A Yes sir.
- Q Did either of them speak the Choctaw language? A I dont know sir.
- Q Do you know whether either of them claimed or received any land in Mississippi in the old Choctaw Nation from the government under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did either of them or both of them live upon land in Mississippi in the old Choctaw Nation which they had received from the government for five years and at the end of that time did they receive a patent to it from the government? A I dont know sir.
- Q Did either of them or any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian

Territory with the other Indians between 1833 and 1838 or forty? A I don't know sir.

Q Did either of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory at any other time previous to this application made by you now? A I don't know sir.

Q You never heard that any ancestor of yours having Choctaw blood did remove? A No sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know sir.

Q Did any of them own any improvements on land in that old Choctaw Nation east of the Mississippi river in 1830? A I don't know sir.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states; now a good many Indians did that whose names Colonel Ward neglected to put upon his list known as Ward's registry; because of his neglect to put their names upon this registry list made by him, a good many Indians who had land in the old Choctaw Nation upon which they had improvements had both their land and their improvements taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3 of that year Congress appointed a Commission; this commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by an act of Congress approved August 23 of that year another Commission was appointed to go to Mississippi and hear applications under article fourteen of the treaty of 1830.

Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any rights or benefits under that article fourteen? A I don't know sir.

Q Did any of your Choctaw ancestors receive any scrip for land which scrip entitled them to select this land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly owned in the old Choctaw Nation and which the government had taken from them? A No sir; I don't know.

This scrip was issued under act of Congress approved August 23 1842.

Q Do you speak or understand the Choctaw language? A No sir I don't understand it.

Q You have no relatives who have been before the Commission have you, previous to this application? A No sir.

Q Have you any other witnesses you want to call now - any other evidence you want to introduce? A No, I haven't any more with me.

Ellen Ford 6

Q To attorney:

Q Any questions Mr. Isaac? A I want to ask a few questions.

Examination by S. W. Isaac:

Q What is the name of your mother's father? A Gibson.

Q And your mother's mother? A Caroline.

Q You stated that they both were full blood Indians? A Yes sir.

Q And that your mother was a full blood? A Yes sir.

Q What was the blood of your father? A The blood of my father was a colored man.

Q A slave was he? A Yes sir.

---0---
This applicant has the appearance and physical characteristics of being descended largely from negro parentage; she claims some Choctaw blood; features are not as characteristically negro as a full blood, and her light color shows she has some other blood besides negro, which she claims to be Indian. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830; she further states that her father and mother and herself also were slaves at one time.

Thirty days time from the date hereof is allowed this applicant for the purpose of taking depositions on request of attorney for applicant.

---0---
Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of November 1902 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 6th day of November 1902.

W. H. Deall
Notary Public.

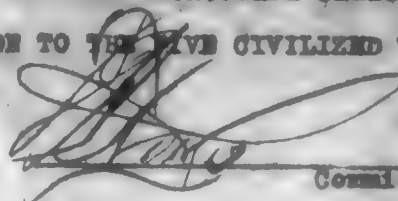
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, OCTOBER 23, 1903.

---o---

In the matter of the application of Ellen Ford, et al., for identification as Mississippi Choctaws, M.C.R. 6365.

Now on this 23rd day of October, 1903, comes Ellen Ford, one of the applicants in the above entitled cause, and files her motion for a continuance therein for the purpose of taking the depositions of Jerry Williams and Dan Web of Gilmar, Texas, and after consideration of said motion, it is the opinion of this Commission that the same should be granted, and it is so ordered; and further that said applicant and her attorney be advised of the action of the Commission and that the applicants be allowed until Monday, November 23, 1903, to introduce said depositions for the purposes indicated in support of the above entitled cause.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Commissioner.

COPY.

Kon sho non che hubbe, or

Billy John -

Case No. 1063.

Mo min tan be, a witness produced on the part of the claimant in the above case being duly sworn and examined, testifies as follows: That he is about 40 years old - Knows the claimant whose name is Kon sho non che hubbe, or Billy John - and is not related to him - at the date of the treaty he knew him & his family well, and lived about 6 miles from them. Claimant is a Choctaw & was ^{then} the head of Choctaw family consisting of a wife and four children, wife's name Che ah ho nah & the children - I ok le hubbe, then under ten years old - dead - Te mi hoka, then under ten - dead - E mah om bee -, then under ten - present - and Willis, then under ten - absent. The second child left two children at her death. They all lived with claimant at the date of the treaty. The names of the heirs of the deceased child, Te mi ho ka, are Sah ma lah, and Gibson. He at that time had a house and field on a place called Yok-it ush-a, Leflores District, and now Scott County. The land was pretty good. His nearest neighbor was Yok-a-ubbe. Claimant nor either of his children ever went west but have always remained in the ceded country. Claimant was turned off his place by a white man about three years after the treaty, and he then settled on Show ko le, where he has lived ever since.

COPY.

CASE No. 377.

The deposition of Lah bah tubbee a full blood Choctaw man taken before the Commissioners at Yazoo Old Village, Neshoba County Missis., this fifth day of August 1843 to read as evidence in behalf of claim of La pish no wah now dec'd, represented by his widow Emisahoka in behalf of the heirs.

The said witness being first sworn - states that the woman present named Emisahoka, that she was married to La pis no wah at the Treaty of Dancing Rabbit Creek - Lapiashno wak is now dead - died some nine or ten years ago. He was no relation to witness & that this deponent hath no interest in his claim.

The deponent at the treaty of Dancing Rabbit was not acquainted with Lapiash no wah, lived some two miles from him at that time. He was a Choctaw & was at that time the head of a Choctaw family - having a wife Emisah oka, woman present & five children of his own & one adopted child - all at that time unmarried and living with him. These children are 1. Te he kah, man present, who was then about eighteen years of age. 2. Chum pah te mah, woman present, then about sixteen years of age. 3. Te ah he nah, woman present then about fourteen years of age. 4. Gibson, boy present, then about four, some children between this and the preceding one died before the Treaty. 5. Is tubbee, boy present, then about two years old. 6. Ah wah te ah, an adopted child, (man present, being a child of a sister as it was understood & reported, Emisah oka the wife of the dec'd claimant. This deponent did not know the name of

his mother - Enisah oka now says her name was Ah hoyo ho ka. The father and mother of this adopted child were both dead before the treaty. The dec'd claimant & his wife had adopted this child when very small & raised him. Ah wah te ah was about eighteen years old (about grown) at the date of the treaty La pish no wah, the dec'd claimant had, at the date of said treaty, a house & field of his own. His son Me hah who was then married, lived in the same ~~year~~ yard about ten steps & cultivated a field under the same fence with him. Cribbed their crops in separate piles but in the same house, & cooked and ate together. Me hah & his wife Ho te nah then lived together in the same house, and had there one child, & continued to live together three years after the treaty, when he married another wife named Ho te nah & then in consequence thereof separated from him. He had but one wife at the date of the treaty. There were two houses in the same yard belonging to dec'd. Lapish no wah before the marriage of his son Me hah - & who after marriage occupied one of them. They shelled their corn as is usual among Chootaws & put it in baskets - and thus could separate their crops from each other, altho their crops were in the same house.

The dec'd at the treaty lived on Tallasha Creek, about five miles south of Old Mugga lusha Town, continued to live there until his death, & his family continued to reside there until three winters ago. Jackson a white man drove them away, burned down their houses before they left the place & afterwards cultivated the open ground. The family of dec'd then moved about two miles where they continued to reside - having never left the ceded country.

(COPY)

ME-CHUBBE,

Case No. 417.

Ah bah pil a-ba kah, a witness produced and sworn on the part of the claimant, testifies as follows - That he is about 43 years old, and is no kin to claimant. At the date of the treaty of Dancing Rabbit Creek, now nearly fourteen years ago, he lived one mile from claimant and was well acquainted with him and his family. He was then the Choctaw head of a family, and had living with him a wife E-lah-pah-tim-ah, and two children - names, 1, Mo-nah-tubbe, 2. Gibson, both under ten years of age - Mo-nah-tubbe, present Gibson sick at camp.

Claimant then had a house and field on Tal-le-hattah Creek in Netakacha District now Newton County. His next neighbor was E-lah-pis-tiah. He never moved West, nor left the ceded territory, but continued to live on his place six years when he was dispossessed by a man name Mos Johnston.

COPY.

[Handwritten signature]
[Handwritten initials]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ellen Ford, et al., for
identification as Mississippi Choctaws, M.C.R. 6365.

--- DECISION ---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Ellen Ford for herself and her five minor children, Euelline, Joe,
Dora, Alvin and Ben Ford, Jr., under the following provision of the
act of Congress approved June 25, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants
of Caroline Gibson, who is alleged to have been a full blood Choctaw

Indian, and to have resided in Mississippi in eighteen hundred and thirty.

The testimony also shows that the principal applicant claims that her grand-father was a full blood Choctaw Indian, surnamed Gibson, but as his given name is not stated it is impossible for the Commission to determine whether or not he was a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Caroline Gibson, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 100) and August 22, 1842 (5 Stats., 515).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Ellen Ford, Baseline Ford, Joe Ford, Dora Ford, Alvin Ford and Ben Ford, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Dixie.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

Muskogee. I. T. Nov. 14. 1902.

Received of the

Commission to the Five Civilized Tribes. one copy
of M. C. R. testimony. 6365. "Ellen Ford et al

J. W. Isaac

COPY:

M.C.R. 6365

Muskogee, Indian Territory, February 14, 1908

Ellen Ford,

Oilmer, Texas

Dear Madam:-

You are hereby advised that on the 14th day of February, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Ford, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1896 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Ford, Emeline Ford, Joe Ford, Dora Ford, Alma Ford and Ben Ford Jr. as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Helen Ford-----2

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Flacey
Acting Chairman

Registered.

COPY.

M.C.R. 6365

Muskogee, Indian Territory, February 14, 1903

S. W. Isaacs,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 14th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Ford, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Ford, Emeline Ford, Joe Ford, Dora Ford, Alvin Ford and Ben Ford Jr. as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

H. V. Evans-----2

File arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CHONESE

Tamie Bixby
Acting Chairman

Registered.

Manaffield, McKurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of February, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Ford, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat. 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Ford, Eueline Ford, Joe Ford, Dora Ford, Alvin Ford and Ben Ford Jr. as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

THOMAS

James Dixby.

Acting Chairman

Muskogee, Indian Territory, March 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ellen Ford, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 14, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Jame Birby
Chairman.

Through the
Commissioner of Indian Affairs.

2 enclosures M.C.R. 6865.

D.C.25009.
ITD-5566-1903.
L.R.S.

VCT.
EAF.

DEPARTMENT OF THE INTERIOR/

WASHINGTON, September 1, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

March 2, 1903, you transmitted the record in the matter of the application for identification of Ellen Ford et al., as Mississippi Choctaws, including your decision of February 14, 1903, refusing the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, claiming that the grandfather of the principal applicant, whose surname was Gibson (given name not stated), and her grand mother, Caroline Gibson, were full blood Choctaw Indians and residents of Mississippi in 1830.

In your decision you state that as the ancestors given name is not stated, it is impossible for the Commission to determine whether he was a beneficiary under article 14 of the treaty of Dancing Rabbit Creek, and reject the applicants because it did not appear from the testimony and evidence offered in support of their application, or from the records in the possession of the Commission, that the said Caroline Gibson, or an ancestor less remote, complied or attempted to comply with the provisions of article 14 of the treaty of 1830.

Reporting July 10, 1903, the Commissioner of Indian Affairs furnishes certain information relative to children by the name of Gibson, in behalf of whom scrip was issued, and recommends that the case be returned to you for further investigation.

The Department concurs in said recommendation, and the case is hereby remanded for further investigation. In conducting the same it is desired that you follow, so far as applicable, the instructions contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins. Inclosed are the affidavits containing the information above referred to, and copy of the Commissioner's letter.

Respectfully,

E.A. Hitchcock,
Secretary.

4 inclosures.

Land.
14997-1903.

COPY

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July, 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for Departmental action the record of the Commission to the Five Civilized Tribes in the matter of the application of Ellen Ford for herself and her five minor children, Esseline, Joe, Dora, Alvin and Ben Ford Jr., for identification as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission of February 14, 1903.

The records in this case show that the applicants base their claims to identification as Mississippi Choctaws on their descent from a full-blood Choctaw Indian named Gibson who, it is claimed, was a resident of the State of Mississippi and of such age as to have been alive in 1830. As to whether he had a reservation and received benefits under the 14th article of the Choctaw treaty, the applicants are unable to state. They also give the name of the wife of Gibson as Caroline, stating that she was a full-blood Choctaw Indian.

The Commission rejected the applicants on the theory that the surname of the ancestor was Gibson and that his given

name had not been furnished so as to enable them to make an investigation relative to his case. A question asked of the witness in the case would tend to support the conclusion that Gibson was the surname of the ancestor, the examination being as follows:

Q. What was your mother's father's name? A. Gibson, I heard her say.

Q. Is that all the name you know? A. Yes, that's all I know.

Q. That's your grandfather on your mother's side? A. Yes sir.

Q. He was a full-blood Choctaw Indian, you say? A. Yes sir.

Q. What was his wife's name? A. Caroline.

Q. Caroline Gibson? A. Yes sir.

There were no full-blood Choctaw Indians in 1830 who had surnames, such persons as had surnames having been mixed bloods. There were three children named Gibson who were residents of the Choctaw Nation in Mississippi in 1830, in behalf of whom scrip was issued, and I am inclined to believe that the record should be returned for investigation relative to the Indians of the name of Gibson who are shown to have received scrip. There was a Gibson, the grandson of Kan-ah-mo-n-ah-hubbee who resided in what is now Scott County, Mississippi. A second Gibson was a son of La-pish-nowah, a resident of what is now Neshoba County, Mississippi and there was a third Gibson, a son of Me-shubbee, a resident of Newton County Mississippi.

3

There are enclosed copies of the depositions in the
three cases mentioned.

Very respectfully,

W.A. Jones,
Commissioner.

WM-3

Muskogee, Indian Territory, September 23, 1903.

Ellen Ford, *Remailed Gatesville. I T Nov 7, 1903.*
Gilmer, Texas.

Dear Madam:

The Secretary of the Interior in his letter of September 1, 1903, returned to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of Ellen Ford, et al., with instructions that the principal applicant be granted further opportunity to introduce additional testimony and evidence in support of her claim.

The Secretary of the Interior in his letter states:

"The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, claiming that the grandfather of the principal applicant, whose surname was Gibson (given name not stated), and her grandmother, Caroline Gibson, were full blood Choctaw Indians and residents of Mississippi in 1830.

In your decision you state that the ancestor's given name is not stated, it is impossible for the Commission to determine whether he was a beneficiary under article 14 of the treaty of Dancing Rabbit Creek, and reject the applicants because it did not appear from the testimony and evidence offered in support of their application, or from the records in the possession of the Commission, that the said Caroline Gibson, or an ancestor less remote, complied or attempted to comply with the provisions of article 14 of the treaty of 1830.

Reporting July 10, 1903, the Commissioner of Indian Affairs furnishes certain information relative to children by the name of Gibson, in behalf of whom scrip was issued, and recommends that the case be returned to you for further investigation."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of

article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
 - 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
 - 3rd. Their Choctaw as well as their English names.
 - 4th. The names and number of the persons who composed their families.
 - 5th. The names of their neighbors and immediate associates,
- and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identifi-

-3-

cation as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby advised that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, October 23, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

Muskogee, Indian Territory, September 23, 1903

S. W. Isaac,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior in his letter of September 1, 1903, returned to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of Ellen Ford, et al., with instructions that the principal applicant be granted further opportunity to introduce additional testimony and evidence in support of her claim.

The Secretary of the Interior in his letter states:

"The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, claiming that the grandfather of the principal applicant, whose surname was Gibson (given name not stated), and her grandmother, Caroline Gibson, were full blood Choctaw Indians and residents of Mississippi in 1830.

In your decision you state that the ancestor's given name is not stated, it is impossible for the Commission to determine whether he was a beneficiary under article 14 of the treaty of Dancing Rabbit Creek, and reject the applicants because it did not appear from the testimony and evidence offered in support of their application, or from the records in the possession of the Commission, that the said Caroline Gibson, or an ancestor less remote, complied or attempted to comply with the provisions of article 14 of the treaty of 1830.

Reporting July 10, 1903, the Commissioner of Indian Affairs furnishes certain information relative to children by the name of Gibson, in behalf of whom scrip was issued, and recommends that the case be returned to you for further investigation."

The Commission is directed to advise you that said re-

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1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their associates and neighbors, and that for the purposes of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identifi-

S V I 3

cation as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, October 23, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep
Registered

Muskogee, Indian Territory, September 23, 1903.

Mansfield, McFurray & Gerniah,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior in his letter of September 1, 1903, returned to this Commission the record theretofore forwarded the Department in the Mississippi Choctaw case of Ellen Ford, et al., with instructions that the principal applicant be granted further opportunity to introduce additional testimony and evidence in support of her claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, October 23, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

M C R 6365

Muskogee, Indian Territory, October 23, 1903.

Ellen Ford,

Gatesville, Indian Territory.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes has this day granted your application for a continuance, for the purpose of taking the depositions of Jerry Williams and Dan Web of Gilmer, Texas, and that you will be allowed until Monday, November 23, 1903, to introduce said depositions in support of your application for identification as a Mississippi Choctaw. A copy of the decision of the Commission granting said continuance, is herewith enclosed.

Respectfully,

J D 2-23

Commissioner in Charge.

M C R 6365

Muskogee, Indian Territory, October 23, 1903.

S. W. Isano,

Attorney-at-Law,

Muskogee, Indian Territory.

Sir:

You are hereby notified that the Commission to the Five Civilized Tribes has this day granted the application of Ellen Ford for a continuance, for the purpose of taking the depositions of Jerry Williams and Dan Web of Gilmer, Texas, and that she will be allowed until Monday, November 23, 1903, to introduce said depositions in support of her claim.

A copy of the decision granting said continuance is herewith enclosed.

Respectfully,

J D 1-23

Commissioner in Charge.

Muskogee, Indian Territory, November 23, 1903.

S. W. Isaac,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of your communication of November 21, 1903, enclosing the affidavit of Ellen Ford wherein she sets forth her reasons for desiring to have certain depositions taken in support of the application which she made on behalf of herself and minor children for identification as Mississippi Choctaws; also interrogatories to be propounded to said witnesses.

It appears from our records that on October 23, 1903, the applicants were "allowed until Monday, November 23, 1903, to introduce said depositions for the purposes indicated" in the motion for a continuance.

Said affidavit and interrogatories are herewith returned as it does not appear that due diligence has been made in securing commissions for the taking of the above depositions.

Respectfully,

J. D. 1-25

Chairman.

Muskogee, Indian Territory, December 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On March 8, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Ellen Ford, et al., together with its decision of February 14, 1903, refusing the application made by Ellen Ford for the identification of herself and minor children as Mississippi Choctaws.

With departmental letter of September 1, 1903 (I T D 8866-1903), the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on September 23, 1903, notified the principal applicant, Ellen Ford, and her attorney, S. W. Isaac, that she would be allowed up to and inclusive of Friday, October 23, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On October 22, 1903, the Commission received a motion signed by Ellen Ford, asking for a continuance in her case for the

purpose of taking the depositions of Jerry Williams and Dan Web, of Gilmer, Texas, and after consideration of said motion the same was granted.

November 23, 1903, the Commission received from S. W. Isaac, attorney in this case, the affidavit of Ellen Ford wherein she set forth her reasons for desiring to have the depositions of certain persons taken in support of her claim; also interrogatories to be propounded to said witnesses.

It appeared from our records that on October 23, 1903, she was "allowed until Monday, November 23, 1903, to introduce said depositions for the purposes indicated" in the motion for a continuance, and said affidavit and interrogatories were returned, as it did not appear that due diligence had been made in securing commissions for the taking of the above depositions.

No appearance having been entered by or on behalf of the applicants, and no additional testimony having been offered by them, the original record in said case, together with copies of notices furnished the principal applicant, her attorney, and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

The motion of Ellen Ford asking for a continuance in her case, the decision of the Commission granting the same, carbon copy

-3-

of letter to S. V. Isaacs, dated November 23, 1903, and papers enclosed with departmental letter of September 1, 1903, are also forwarded herewith.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

McK 13

DC.4188-1904.

(COPY).

W.C.P.

FHE.

ITD.432-1904.

L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, February 1, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of Ellen Ford, for the identification of herself and her five minor children, Emeline, Joe, Dora, Alvin and Ben Ford, Jr., as Mississippi Choctaws, which was transmitted with your letter of March 2, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, claiming ^{that} the grandfather of the principal applicant, whose surname was Gibson, given name not stated, and her grandmother, Caroline Gibson, were full blood Choctaw Indians and residents of Mississippi in 1830.

Your decision rejecting the applicants was rendered February 14, 1903. On September 1, 1903, the Department remanded the case to you for further investigation, inasmuch as the records of the Indian Office showed certain information relative to children by the name of Gibson, in behalf of whom scrip was issued.

It appears that on September 23, 1903, you notified the principal applicant Ellen Ford, and her attorney, that she would be allowed thirty days within which to introduce additional evidence in support of the application made by her for herself and minor children; that on October 23, 1903, you received a motion signed by Ellen Ford, asking for a continuance in the case, for the purpose of taking the

depositions of Jerry Williams and Dan Webb, of Gilmer, Texas, which motion was granted; that on November 23, 1903, you received from S.W. Isaac, attorney in the case, the affidavit of Ellen Ford, stating reasons for desiring the depositions of certain persons to be taken in support of her claim, also interrogatories to be propounded to said persons; that you returned said affidavit and interrogatories, giving as your reasons for so doing, that due diligence had not been made in securing commissions for the taking of the depositions during the time previously granted.

Reporting in the matter January 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department considers that the applicants' rights have been fully protested, and your decision rejecting them is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

Land.
80361-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Jan. 19, 1904.

(COPY).

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the case of Ellen Ford, and her five minor children, Eueline, Joe, Dora, Alvin and Benford Jr., applicants for identification as Mississippi Choctaws, which application was refused by the Commission February 14, 1903.

This case was transmitted to the Department July 10, 1903, with the recommendation that it be remanded to the Commission for further investigation.

The Department on September 1, 1903, concurred in said recommendation and remanded the case with the recommendation that so far as applicable, the instructions contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriett Atkins be followed.

In accordance therewith the Commission on September 23, 1903, notified the principal applicant and her attorney, that she would be allowed up to and inclusive of Friday October 23, 1903, to introduce additional evidence in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws.

On October 23, 1903, the commission received a motion signed by her asking for an additional continuance in her case for the purpose of taking the depositions of Jerry Williams and Dan Webb, of Gilman, Texas, and after consideration of said motion the same was granted.

November 23, 1903, the commission received from H. W. Isaacs, attorney in this case, the affidavit of Helen Ford, wherein she sets forth her reasons for desiring to have the depositions of certain persons taken in support of her claim; also interrogatories to be propounded to said witnesses.

It appears from the record of the commission that on October 23, 1903, she was allowed until Monday November 23, 1903, to introduce said depositions for the purposes indicated in the motion for continuance, and said affidavit and interrogatories were returned as it did not appear that due diligence had been had in securing commissions for the taking of the above depositions.

As it appears that the applicants have had all the time needed in which to procure further evidence in this case, if they so desired, and no appearance having been entered by or on behalf of the applicants, it is the opinion of this office that the decision of the Commission refusing to identify them as Mississippi Choctaws should be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(C.T.C.) P.

COPY: H.C.R. 6565

Muskogee, Indian Territory, February 17, 1904.

Ellen Ford,
Gatesville, Indian Territory,

Dear Madam:

You are hereby notified that on the first day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ellen Ford et al., of which decision you were advised by registered mail on the 14th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

M.C.R. 6365

COPY

Muskogee, Indian Territory, February 17, 1904.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the first day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ellen Ford et al., of which decision you were advised by registered mail on the 14th day of February, 1903.

Respectfully,
(SIGNED)

T. P. Needles

Commissioner in Charge.

W.C.R. 6365

COPY.

Muskogee, Indian Territory, February 17, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the first day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ellen Ford et al., of which decision you were advised by mail on the 14th day of February, 1903.

Respectfully,

SIGNED

T. E. Nescales

Commissioner in Charge.

1965

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 3 1902

Name Ellen Ford

Age 48 - Blood 1/2

Post Office, Gilmer, Texas.

Father — John Harris, d.

Mother. Kittie " d

Claims through mother — (free)
Husband.

Ben Ford, l. negro.

No claim for husband

Children:

Emeline Ford. 17

Joe " 16 ~~15~~

Kora " 12

Alvin " 8

Ben " Jr. 5

Claims for sep &
5 minors

Stenographer Clara Melchre Wood

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 7 1903

[Handwritten signature]

CHAIRMAN

REGISTERED
MAR. 25 1903
MUSKOGEE, IND. TER.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

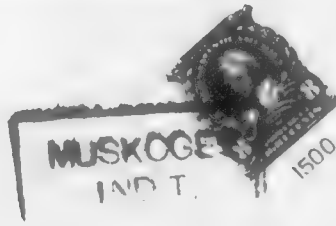
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APR 7 1903

CHADMAN

REGISTERED
MAR 25 1903
MUSKOGEE, IND. TER





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Elton Ford.~~

~~C. E. Ford.~~



2283

Choctaw MOR 6366

Lewis Slaughter

MOR 6366

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lewis Slaughter, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

Lewis Slaughter, et al., M.C.R. 6366
Rosa De Grate, et al., M.C.R. 6392

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by
each in said record.

Original application of Lewis Slaughter, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	page 1
Sworn petition of Lewis Slaughter.....	9
Affidavit of Stafford Osborn.....	12
Affidavit of Harry Van.....	15
Affidavit of West Shields.....	18
Affidavit of Jane Thomas.....	19
Affidavit of Jake Jones.....	20
Marriage record between Lewis Slaughter and Queen Simmons.....	21
Original application of Rosa De Grate, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	22

-B-

Affidavit of Stafford Osborne.....	page 28
Affidavit of Harry Van.....	31
Sworn petition of Rosa Degrate.....	34
Decision of the Commission refusing the applica- tion of Lewis Slaughter, et al., for identification as Mississippi Choctaws.....	37

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 4, 1902.

In the matter of the application of Lewis Slaughter for the identification of himself and his six minor children, John, Joseph, Lewis, Albert, Sadie and Claretta Slaughter as Mississippi Choctaws.

Lewis Slaughter being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lewis Slaughter.
- Q What is your age? A Forty five; let me see; born in '59. Forty-four.
- Q Forty three isn't it; you were born in '59. A Yes sir.
- Q What is your post office address? A Harrison, Texas.
- Q How long have you lived in Harrison? A In Harrison -- I I've lived there about -- 23rd there in '73.
- Q About how long -- since seventy three? A Yes sir.
- Q Where did you live before that? A I lived on the west side of the Brazos river.
- Q Where were you born? A In Marshall Texas.
- Q Have you always lived in Texas? A Yes sir.
- Q Is your father living? A No sir my father died when I was about four or five years old I reckon.
- Q Is your mother living? A No sir; they both died when I was small.
- Q What was your father's name? A His name was Henderson Slaughter.
- Q What was your mother's name? A Her name was Ann. She was known as Ann Woods; that's what they always called her; she never went by the name of Slaughter; she went by the name of Slaughter after freedom.
- Q She died by that name? A She married again.
- Q What was her last name? A She married a man by the name of Ishman Able.
- Q Through which parents do you claim Choctaw blood? A Henderson Slaughter.
- Q From your father? A Yes sir.
- Q How much Choctaw blood do you claim? A Well I claim one half.
- Q Do you claim your father was a full blood Choctaw? A Full blood Choctaw.
- Q What was his wife's blood or nationality? A Why she was African descent.
- Q Negro? A Yes sir.
- Q You don't claim any Choctaw blood through her then? A No sir.
- Q Was she a slave before the war? A Yes sir.
- Q Was she liberated at the time when the other slaves were liberated? A I reckon so.
- Q Were you a slave too? A I guess so; of course I wasn't but about five years old I reckon..

- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I don't think he has; I don't know.
- Q Is your wife living? A Yes sir.
- Q Were your father and mother married by a minister under a license? A I don't know.
- Q Were they married while she was a slave? A Yes sir.
- Q They probably married according to the custom at that time did they not? A I reckon they did.
- Q What is your wife's name? A Her name's Queen.
- Q Queen Slaughter? A Yes sir.
- Q Is she living now? A Yes sir.
- Q Is she a negro? A Yes sir.
- Q Do you make any claim for her? as a Choctaw? A No sir.
- Q You don't want to make any claim for her as a Choctaw Indian do you? A I don't suppose she has any Choctaw blood in her.
- Q Now give me the names of your children; you say they are all under age; give me the oldest first. A John Slaughter.
- Q How old is John.
- Q John -- let me see; he's about eighteen or nineteen; I don't know exactly his age; I think he's about nineteen.
- Q What is the name of your next child? A Joe.
- Q Joseph? A Joseph.
- Q How old is Joseph? A I'll tell you the truth; I don't know the age of any child I got.
- Q Give it to the best of your knowledge? A I think he's about seventeen.
- Q What's the name of the next child? A Lewis Slaughter.
- Q Lewis Slaughter, Junior? A Yes sir.
- Q About how old is Lewis? A He's about sixteen I reckon, fifteen or sixteen.
- Q Fifteen, we will put it. The next? A Albert.
- Q How old is Albert? A He's about I reckon -- about twelve or thirteen.
- Q What do you want to put it? A Thirteen.
- Q The next? A The next is Sadie.
- Q How old is Sadie? A She's about ten or eleven, eleven I reckon.
- Q The next? A Her name's Claratta; she's eight.
- Q Do you claim for yourself and these six minors? A Yes sir.
- Q Is Queen the mother of these children? A Yes sir.
- Q Are you and your wife living together as husband and wife? A Yes sir.
- Q And are these children living with you at your home? A Yes sir.
- Q Were you ever married before you married her or was she ever married before she married you? A No sir.
- Q No sir.
- Q When and where were you married to your wife? A I was married near Harrison Switch.
- Q Texas? A Yes sir.
- Q What day of the month and year? A I don't know the date but I married in Seventy nine I think.
- Q Were you married by a minister under a license? A Yes sir.
- Q Have you the proof of that marriage with you now? A No sir.
- Q You can get it here within a few days can you? A Yes sir as soon as I can get home and go to the Court House.
- Q Send it to "The Dawes Commission", Muskogee, Indian Territory

- Q Is your name or the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A You say is it?
- Q Yes? A No sir I don't reckon it is; I had Mr Arnold -- he come down about -- nearly two years ago and taken our application and we received a letter from him that we couldn't be received, and that's all I know about it -- only I written several letters to the court and they never did give me any satisfaction.
- Q Arnold, the attorney -- of Hudson & Arnold? A Yes sir at Ardmore.
- Q Did you ever appear before the Dawes Commission or before the Choctaw tribal authorities? A No sir.
- Q You just simply talked to these attorneys; you never appeared in person and was sworn? A No sir; never did.
- Q Did you ever make application for citizenship for yourself and children to the Choctaw tribal authorities in the Indian Territory? A In person.
- Q Yes. A No sir.
- Q Did you ever make any such application to the Dawes Commission under the act of Congress of June 18, 1896 for yourself and children -- six years ago? A No sir; this is the first.
- Q Is this the first application you ever made in person for yourself and children for citizenship in the Choctaw Nation? A Yes sir.
- Q You never had been admitted together with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir I had not.
- Q You now come before the Commission to be identified and to identify your children as Mississippi Choctaws? A I now come---
- Q To be identified as a Mississippi Choctaw? A Yes sir.
- Q And you make this claim for your children also? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I do, according to my father.
- Q That's the way you understand it? A Yes sir.
- Q How do you understand article fourteen of that treaty? A Why I can't say I do.
- Q Did you ever have the article explained to you? A No sir; not fully, I don't think.

The treaty of 1830 which is sometimes called the treaty of Dancing Rabbit Creek, because it was made at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830, was a treaty made between the United States government and the Choctaw Indians who lived at that time in the old Choctaw Nation which was partly in Mississippi and partly in Alabama; the object of that treaty was to remove the Choctaw Indians as a nation from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; a treaty is an agreement in writing between nations and an article in a treaty is one of its subdivisions; one of its sections; article fourteen under which you are making your claim to-day is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now that is article fourteen of the treaty of 1830 under which applicants who come here to be identified as Mississippi Choctaws must make their claim.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A You ask me that question?
- Q Yes . . .
- A No sir I dont; I dont know.
- Q What is the name of your ancestor through whom you claim?
- A My father was Henderson Slaughter and of course I never knew very much about my father no more than just knewed him.
- Q Is he the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I reckon so.
- Q Do you know whether he claimed through his father or mother?
- A He claimed through his father.
- Q How much Choctaw blood did Henderson Slaughter have?
- A He was a full Choctaw Indian according to what every body told me; I cant tell; I wouldnt know because I was too little.
- Q Now if you say he was a full Choctaw Indian he claimed through both parents. A I cant say that because I dont know.
- Q He had to claim through both if he was a full blood.
- A Well I reckon so.
- Q Both his father and mother had to be full blood Choctaw Indian if he was a full blood.
- Q You never heard about that? A No sir.
- Q What was his father's name? A His father I think was named William Slaughter.
- Q Henderson Slaughter's father's name was William? A Yes sir.
- Q That was your grandfather then? A Yes sir.
- Q And you think he was a full blood? A My father.
- Q He, William. A Yes sir.
- Q What was William's wife named? A I declare, I dont know; I think I've heard my mother say that she had one child that was named after my grandmother on my father's side - was named Lisa - she died.
- Q Then do you think your grandfather William Slaughter's wife's name was Lisa? A I think so.
- Q Lisa or Eliza? How do you spell it? A I dont know.

- Q How do you always give it? A I never have given it before.
- Q Do you claim she was a full blood too? A I dont know anything about her at all; I never seen her and dont know anything about her at all.
- Q Did William Slaughter and his wife Liza live in Mississippi?
- A Yes sir according to what my mother told me ; she said they had started from Mississippi ---
- Q William Slaughter and his wife? A William Slaughter and his wife and this boy.
- Q Your father? A Yes sir my father; and somebody killed his mamma and papa both and taken him and raised him from a small boy.
- Q Raised your father Henderson? A Yes sir my father was raised by some white people.
- Q They used to live in Mississippi? A Yes sir; he lived in Mississippi.
- Q Did they live there seventy two years ago? A I dont know.
- Q Did they live there in 1830 when the treaty was made?
- A I cant say that, because I dont know anything about it.
- Q You dont know whether your grandfather and grandmother lived in Mississippi in the old Choctaw Nation in 1830 and were the heads of a family there then? A I reckon so.
- Q You reckon so but do you know? A I cant say that because I dont know anything about them at all, no more than you.
- Q How old would your father be if living now? A I think my father died when he was about thirty five or six years old, and he died in '65, I think I've heard my mother say; I dont know whether she knowed or not; I think she said he was about thirty five or six years old when he died.
- Q If he died in '65 - that's thirty seven years ago; if he was thirty five then, he would be seventy two years old if living now; seventy two years ago the treaty of 1830 was made; Do you think he was living in Mississippi seventy two years ago or was born there then? A That's what I understand from them.
- Q And therefore if he was born in Mississippi seventy two years ago, his mother Eliza was living there at that time was she not? A Yes sir..
- Q She would have to be wouldn't she? A Yes sir.
- Q How do you know whether either William Slaughter or his wife Eliza Slaughter were living in Mississippi seventy two years ago when the treaty of 1830 was made, whether they within six after the ratification of the treaty went to the United States Indian agent Colonel Ward and told him they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know that they did; I dont know, because he always claimed that they was removing from there, according to what I understood about it - that they were removing from there and on the way to this Territory why they met with some misfortune.
- Q When was it they removed from Mississippi? A I dont know.
- Q Did they intend to go from Mississippi to Texas? A Not to Texas; I think he was killed up here somewhere about--
- Q Where did he intend to go from Mississippi? A According to my understanding, to the territory.
- Q Do you know whether that was between 1833 and 1838? A No sir. I dont.
- Q Do you know whether they were coming from the old Choctaw Nation to the new Choctaw Nation Indian Territory at the expense of the government or at their own private expense?
- A No sir I dont know.
- Q Did other Indians come when they came or did they come alone?

A Well I ne ver heard her say anything about that part of it; I dont know, any more than what I heard and I dont know that, only other people would tell me.

Q Do you know whether your grandfather William Slaughter or his wife Liza or your father or any Choctaw ancestor of yours owned any land or claimed any or received any in Mississippi in the old Choctaw Nation under art cle fourteen of the treaty of 1830? A I dont think they did; I never have heard anybody say anything about it.

Q Did they or any of your Choctaw ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time receive a patent to that land from the government? A Why I haven't heard any thing about it; I dont know.

Q Then you never heard that any of them did go from the old Choctaw Nation to the Choctaw nation Indian Territory? A Never have knowed anything about any of them only what I said

Q Up to the present time no one has come from Mississippi directly to the Choctaw Nation Indian Territory that you know of?

A No sir I dont know.

Q You say your father was stolen after his mother was killed and after his father was killed? A Yes sir.

Q Was he then taken to Texas? A He was taken to Greenville Texas and then he was with a man named Woods and was taken to Marshall Texas and that's where my mother lived.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw nation east of the Mississippi river in 1830? A I don't know sir.

Q Never heard they did have any land there? A No sir.

The Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the states; a good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; because of his neglect as United States Indian agent to make a proper registration of the names of all the Choctaw Indians who attempted to register under article fourteen, a good many Indians who had land in the old Choctaw Nation upon which they had improvements had both their land and improvements taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act approved March 3 of that year a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 by an act approved August 23 of that year another commission was appointed by Congress; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did you ever hear that any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under that article of that treaty?

A No sir; I never have heard anything about that.

Q Have you ever heard that any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas?

A No sir.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved

their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No sir I can't speak it.
- Q Have you any relatives whom you expect will come before this Commission to be identified to make application to be identified as Mississippi Choctaws? A Nobody but my two sisters.
- Q What are these sisters' names? A Rosa DeGrate.
- Q What's the name of the other sister? A Charlott Lewis.
- Q Where do they live? A One of my sisters, Rosa DeGrate, lives up here at Ardmore.
- Q That's in Ardmore Chickasaw Nation? A Yes sir; I say in Ardmore - I meant Wagoner.
- Q In the Cherokee Nation? A Yes sir.
- Q And where does Charlott Lewis live? A She lives down at Waco Texas.
- Q These are the only relatives who expect to come? A Yes sir.
- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A None at all.
- Q Haven't got any folks at all? A I got some half----
- Q Have you any evidence you want to present now? A Yes sir.

The written petition of Lewis Slaughter present by him, received marked exhibit A and made a part of the record in this case; also the ex parte affidavit of Stafford Osborne, present by applicant, received, filed, marked exhibit B, and made a part of the record in this case; also the ex parte affidavit of Harry Bag, presented by applicant, received, filed, marked exhibit C, and made a part of the record in this case.

- Q Is there anything more you want to say in support of this claim? A Why of course I'm ignorant of the whole thing; if I hadn't have been I would have investigated it long ago; all I know, I know my father was Indian, and those people who have got the evidence, I think they know my father, knew more about him than I do; my mother did live with us very long after his death and she never learned us anything about it only some few little things and we paid no attention to it.
- Q Well, all you know about it is what you have testified? A Y That's all I know; I know my father was Indian but what blood I can't say that.

this applicant has the appearance and physical characteristics of being descended from negro parentage; claims Choctaw blood through his father; claims his mother was negro and a slave; it would seem to the Commission that he favors his mother in personal appearance; he does not understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any provisions of article fourteen of the treaty of 1830; his mother was a slave and he was born a slave and both were liberated by the act of emancipation.

- Q Do you want any time in which to present any other testimony?
- A Why I don't know nothing else except I could bring some body else that knows something.

Lewis Slaughter 3

Fifteen days time will be allowed this applicant in which to introduce other testimony if he desires to in support of this claim.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 4th day of November 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 7th day of November 1902.

W. O. Beall
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lewis Slaughter, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

Lewis Slaughter, et al., M.O.R. 6366
Rosa De Grate, et al., M.O.R. 6399

DECISION--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Lewis Slaughter, for himself and his six minor children, John,
Joseph, Lewis Jr., Albert, Sadie and Claretta Slaughter, and by
Rosa De Grate, for herself and her nine minor children, Ballie,
Anna Bell, Oscar, Foster, Eva, Louis, Judge, Essie Raymond and
Minora De Grate, under the following provision of the act of Con-
gress approved June 20, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses

and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all the applicants in M.C.R. 6386 and the principal applicant in M.C.R. 6399 claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of William Slaughter and Lisa (or Eliza) Slaughter, both of whom are alleged to have been full-blood Choctaw Indians, and the latter of whom to have resided in Mississippi in eighteen hundred and thirty; and that the minor applicants applied for in M.C.R. 6398 claim said rights by reason of being descendants of the above named ancestors and Homer De Grate, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 521).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were

claimants thereunder, that the said William Slaughter, or Lisa (or Eliza) Slaughter, or Homer De Grate, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudge such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 28, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis Slaughter, John Slaughter, Joseph Slaughter, Lewis Slaughter, Jr., Albert Slaughter, Sadie Slaughter, Clarotta Slaughter, Rosa De Grate, Nellie De Grate, Anna Nell De Grate, Oscar De Grate, Foster De Grate, Eva De Grate, Louis De Grate, Judge De Grate, Reale Raymond De Grate and Minora De Grate as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Mustang, Indian Territory.

APR 13 1903

(SIGNED)

Tams Dixby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Miss. Choctaw 6566

Muskogee, Indian Territory, November 12, 1902.

Lewis Slaughter,

Carl T. P. Stone,

Waco, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 10, inclosing the affidavits of West Shields, June Thomas and Jake Jones, and marriage license and certificate between Lewis Slaughter and Queen Simmons, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same have been filed with the record in your case.

You also ask in your letter that your application be changed so as to include your wife, and you are advised that at the time you appeared before the Commission as an applicant for the identification of yourself and your minor children as Mississippi Choctaws you were asked if you made any claim for your wife as a Choctaw and you stated that you did not; that she was a negro. You are now advised that if your wife desires to make application for identification as a Mississippi Choctaw it will be necessary for her to appear in person before the Commission for examination under oath, at which time a proper record of her case will be made.

Respectfully,

Acting Chairman.

M.C.R. 6368.

Muskogee, Indian Territory, December 6, 1902.

Lewis Slaughter,

Harrison, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3d inst., in which you state that you have found several persons who are willing to make oath that your father was a Choctaw Indian. You ask that the testimony in your case be examined and a report made to you as to its sufficiency.

In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and six minor children as Mississippi Choctaws.

No opinion or decision has yet been reached in your case. The Commission cannot pass upon the sufficiency of evidence offered in support of applications for identification as Mississippi Choctaws until the same are taken up for consideration and determination.

If you desire to introduce additional evidence in support of your claim the Commission will, up to and inclusive of Monday, December 22, 1902, hear the testimony of such witnesses as may

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present themselves in person, and receive for consideration such documentary evidence as may be offered in support of your application.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 16, 1902.

Lewis Slaughter,
Harrison, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you state that you are unable to bear the expense of bringing witnesses to Muskogee to testify in person in your case. You ask that the Commission prepare a list of questions to be answered by your witnesses; that you will have the same sworn to before a Notary Public, and file the same in support of your claim.

In reply, you are informed that the Commission can not furnish the list of questions asked for by you, and is averse to accepting affidavits in support of applications for identification as Mississippi Choctaws. The Commission desires whenever possible to examine witnesses in person.

In event that you can not secure the personal attendance of witnesses on account of their being non-residents of the Indian Territory, or are incapacitated from appearing in person by reason of old age or infirmity, their depositions will be considered, provided the same are taken in accordance with the rules and regulations governing the procedure in the taking and submission of

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depositions in support of Mississippi Cheetar applications, a
copy of which rules is herewith inclosed you.

Respectfully,

Acting Chairman.

Enc.
R & R Dep.

M.O.R. 9366.

Muskogee, Indian Territory, January 17, 1903.

Charlotte Slaughter,
Care Lewis Slaughter,
Harrison, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., enclosing your petition in affidavit form for an allotment of land in the Choctaw Nation, Indian Territory, and supporting affidavits of Stafford Osborne and Harry Van.

You allege in your petition that you are a descendant of one, Henderson Slaughter, a full blood Choctaw Indian, who was born and raised in Hinds County, Mississippi, and that you claim your rights under section twenty-one of the act of Congress approved June 22, 1898.

The documents are herewith returned to you, for the reason that the Commission cannot pass upon the probable rights of claimants to identification as Mississippi Choctaws, or render any opinion relative thereto, until personal appearance of the claimants has been made before the Commission and their cases taken up for

consideration and determination.

Relative to any claim which you may have as a Mississippi Choctaw, you are advised that the authority vested in this Commission to determine the identity of so called Mississippi Choctaws is contained in a provision of the act of Congress approved June 28, 1898, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The fourteenth article of the treaty of eighteen hundred and thirty, referred to in the above legislation, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that the applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so called Mississippi Choctaws under the provision of the act of Congress of June 22, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 22, 1898, contemplated the identification of only those 'Choctaw' Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty."

It would therefore be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 22, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants who are over twenty-one years of age, or who are married, must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their cases. Parents and guardians may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Commissioner in Charge.

Enc B I 41.

M.C.N. 6248.

Muskogee, Indian Territory, January 17, 1905.

Louis Slaughter,

Harrison, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th inst., in which you state that you are "preparing statements for more evidence in my case." You ask to be advised if any action has been taken by the Commission.

In reply, you are informed that it appears from our records that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws.

No opinion or decision has yet been reached in this case. The Commission is now considering your application on the evidence already submitted, and it is probable a decision will be rendered in the near future, when you will be duly notified of the action of the Commission and the forwarding of the record to the Secretary of the Interior.

You are advised that if you intend to submit further evidence in support of your claim, such evidence should be before

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the Commission within the next ten days.

Respectfully,

Commissioner in Charge.

M G R 6366

Muskogee, Indian Territory, March 24, 1903.

Lewis Slaughter,
Harrison, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you ask to be advised the status of your case.

In reply to your letter you are informed that the Commission has not up to the present time reached any opinion or decision relative to the right of yourself and children to identification as Mississippi Choctaws, but is now considering your case and it is probable a decision will be rendered in the near future. You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

COPY.

M C R 6366

Muskogee, Indian Territory, April 13, 1903.

Lewis Slaughter,
Harrison, Texas.

Dear Sir:

You are hereby advised that on the 13th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Slaughter, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Slaughter, et al., M C R 6366
Rosa De Grate, et al., M C R 6399

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis Slaughter, John Slaughter, Joseph Slaughter, Lewis Slaughter, Jr., Albert Slaughter, Sadie Slaughter, Claretta Slaughter, Rosa De Grate, Sallie De Grate, Anna Bell De Grate, Oscar De Grate, Foster De Grate, Eva De Grate, Louis De Grate, Judge De Grate, Essie Raymond De Grate and Elvora De Grate as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jams Bixby.
Chairman.

Registered

COPY.

Muskogee, Indian Territory, April, 13, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Slaughter et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Slaughter, et al.,	M C R	6366
Rose De Grate, et al.,	M C R	6399

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat., 495).

Said Decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis Slaughter, John Slaughter, Joseph Slaughter, Lewis Slaughter Jr., Albert Slaughter, Sadie Slaughter, Claretta Slaughter, Rose De Grate, Sallie De Grate, Anna Bell De Grate, Oscar De Grate, Foster De Grate, Eva De Grate, Louis De Grate, Judge De Grate, Essie Raymond De Grate and Alnora De Grate as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time

the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CHIEF

Tams Bixby
Chairman.

COPY.

Muskogee, Indian Territory, April 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lewis Slaughter, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 13, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Lewis Slaughter, et al., X.C.R. 6366;
Rosa De Grate, et al., X.C.R. 6399.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner
of Indian Affairs.

2 Enc.: X.C.R. 6366.

SIGNED

Tame Dixby.

Chairman.

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
28522-1903.

June 6, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for departmental consideration record of the Commission to the Five Civilized Tribes in the matter of the application of Lewis Slaughter for himself and his six minor children, John, Joseph, Lewis Jr., Albert, Sallie and Claretta Slaughter; by Rose DeGrate for herself and her nine minor children, Sallie, Annabell, Oscar, Foster, Eyn, Louis, Judge, Essie Raymond and Elnera DeGrate for identification as Mississippi Choctaws wherein a decision adverse to the applicants was rendered by the Commission, April 13, 1903.

The record in this case shows that the applicants base their claims to a right to identification as Mississippi Choctaws on their descent from William Slaughter, Liza or Eliza Slaughter and Homer DeGrate, the applicants under the latter ancestor being limited to those appearing in M. C. R. 6399. It is claimed by the applicants in this case that these ancestors were Choctaw Indians members of the Choctaw Tribe who resided in the Choctaw Nation, Mississippi in 1830. They are unable to give any definite information as to the compliance or attempt at compliance with the provisions of the 14th article of the Choctaw treaty by these

ancestors or whether they were beneficiaries thereunder.

The Commission rejected the applicants on the ground that its records fail to show that either of the ancestors claimed under in this case had taken any steps to comply with the provisions of the 14th article of the Choctaw treaty.

An investigation of the records of this office has been made with reference to the claims of the applicants in this case and it is discovered that the names of the ancestors under whom the claim is made do not appear as applicants for land or scrip in pursuance of the provisions of the 14th article of the Choctaw treaty or the subsequent legislation relative thereto. Neither do their names appear among the names of those persons who were beneficiaries under other provisions of the Choctaw treaty of 1830. The facts being as they are it is evident that the decision of the Commission rejecting the applicants was correct, and I recommend that it be approved.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

EEH-R

COPY
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

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D. C. 17622
ITD 4972-1903.

June 18, 1903.

LRS

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

April 29, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Lewis Slaughter and his minor children, John, Joseph, Lewis Jr., Albert, Sadie and Clar-etta Slaughters; and of Rosa De Grate and her minor children, Sallie, Anna Bell, Oscar, Foster, Eva, Louis, Judge, Essie Raymond and Elvora De Grate. You refused the applications April 13, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of William Slaughter and Lisa (or Eliza) Slaughter, through their son, Henderson Slaughter, father of the principal applicants; also of Homer De Grate, father of the minor applicants appearing in M C R 6399. It is alleged that said ancestors were members of the Choctaw tribe of Indians who resided in Mississippi in 1830.

Neither the evidence in this case nor the records of the Indian Office show that any one of said

ancestors complied or attempted to comply with article 14 of said treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting June 8, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(signed) E. A. HITCHCOCK

1 inclosure.

Secretary.

M. C. R. 6360.

COPY.

Muskogee, Indian Territory, July 23, 1903.

Mansfield McHarry & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 18th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis Slaughter et al., of which decision you were advised by mail on the 18th day of April, 1903.

Respectfully,

VED

I. B. Needles.
Commissioner in Charge.

M. C. R. 6344.

COPY.

Washoe, Indian Territory, July 22, 1903.

Lewis Slaughter,
Harrison, Texas.

Dear Sir:-

You are hereby notified that on the 18th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis Slaughter et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

(SIGNED)

T. P. Needles.
Commissioner in Charge.

Muskogee, Indian Territory, September 23, 1903.

Lewis Slaughter,

Waco, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, by reference from the Secretary of the Interior. You ask that your case be re-opened in order that you may submit further testimony in support of your claim.

Motions for rehearing are granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicant can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of

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said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior through the Commission to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 16, 1904.

Lewis Slaughter,

Wagoner, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 21, 1904, by reference from the Secretary of the Interior. Therein you make certain statements relative to the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws.

In reply you are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood, but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of September 27, 1830, or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the Acts of Congress of March 3, 1837 and August 23, 1842. No evidence of this character has been submitted in support of your claim.

As the Secretary of the Interior, on June 18, 1903, ap-

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proved the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws, the Commission now considers your case closed.

Respectfully,

Commissioner in Charge.

M C R 6366

Muskogee, Indian Territory, February 27, 1908.

Lewis Slaughter,

Wagoner, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, requesting that you be allowed to offer further evidence in support of your application.

In reply you are informed it appears from our records that on June 18, 1903, the Secretary of the Interior approved the Commission's decision of April 13, 1903, refusing the application made by you for the identification of yourself and six minor children as Mississippi Choctaw, of which departmental action you were duly notified on July 22, 1903.

This case is considered closed, and the Commission is without authority to receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.

M C R 6366

Muskogee, Indian Territory, February 20, 1906.

Lewis Slaughter,

Wagoner, Indian Territory.

Dear Sir:

Replying to your letter of the 8th instant, which was referred to this office by the Secretary of the Interior, you are advised that your application for identification as a Mississippi Choctaw was adversely determined both by the Commission to the Five Civilized Tribes and the Secretary of the Interior, and said case has been closed since June 18, 1903. Therefore, it is not believed that you are in any manner entitled to share in the allotment of the lands of the Choctaws and Chickasaws.

Respectfully,

Acting Commissioner.

M C R 6366

Muskogee, Indian Territory, May 5, 1906.

R. F. Blair,
Attorney at Law,
Wagoner, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, requesting to be advised the present status of the Mississippi Choctaw application of Lewis Slaughter, et al.

In reply you are informed that on June 18, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes rendered April 13, 1905, refusing the application made by Lewis Slaughter for the identification of himself and his six minor children as Mississippi Choctaws.

This case is now considered closed and it is not believed that any of the applicants therein are in any manner entitled to share in the allotment of the lands of the Choctaws and Chickasaws.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, June 11, 1906.

R. F. Blair,
Attorney at Law,
Wagoner, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, relative to the Mississippi Choctaw case of Lewis Slaughter, et al. You state that Mr. Slaughter alleges his father's name, Henderson Slaughter, is or ought to be upon the roll of Choctaw Indians, and that if such name is on the roll you will undertake to secure a rehearing of the case of Lewis Slaughter.

In reply you are informed that the records of the Choctaw Nation in the possession of the Commission have been examined and the name of Henderson Slaughter is not found thereon.

A copy of the decision of the Commission to the Five Civilized Tribes rendered April 13, 1903, adverse to the applicants in the above case, and which decision was affirmed by the Secretary of the Interior June 18, 1903, is herewith enclosed for your information.

Respectfully,

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Commissioner.

ION. FREEDMEN ROLL.

FATHER

FATHER'S TRIBAL ENROLLMENT

YEAR

COUNTY

No.

FATHER'S OWNER

NAME OF MOTHER

Re: T. M. C. R. 6826

Rescue Slaughter etc

Consolidated Case

William Slaughter
wife
Liza or Eiza. f.b.

Henderson Slaughter
wife
Ann Woods. neg.
slave

Mar 6366
Lewis Slaughter 4 3/2
wife
Lucy Slaughter neg.

Mar 6399
Rosa Slaughter 4 1/2
mar
Homer De Grate, or?

Charlott Slaughter
mar
Lewis

Mar 6366
John Slaughter 19
Joseph Slaughter 17
Lewis Slaughter, Jr 15
Albert Slaughter 13
Sadie Slaughter 11
Oretta Slaughter 8

Mar 6399
Sallie De Grate, 20
Anna Bell De Grate 18
Oscar De Grate 17
Gaster De Grate 15
Eva De Grate 12
Louis De Grate 10
Judge De Grate 9
Essie Raymond De Grate 6
Elenora De Grate 5

386 1806
No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 4 1902

Name Lewis Slaughter -

Age 43, Blood 1/2

Post Office, Harrison, Texas,

Father Henderson Slaughter, d.

Mother: Ann F Able, d.

Claims through father

Wife, -

Queen Slaughter, l. neg.

No claim for wife -

Children:

John Slaughter	19
Joseph "	17
Lewis " Jr.	15
Albert "	13
Sadie "	11
Claretta "	8

Claims for self &
6 minors.

Stenographer

Clara Mitchell

R

ca

REC'D. APR 1 1903

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Choctaw MCR 6367

Pearlie Fortune

MCR 6367

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 5, 1902.

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In the matter of the application of Pearlle Fortune for identification as a Mississippi Choctaw.

Pearlle Fortune being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Pearlle Fortune.
- Q What is your age? A Going on twenty three; I was twenty two the 10th day of July.
- Q What is your post office address? A I travel all the time; I haven't got no post office address.
- Q Where are you going to? A From here to Memphis.
- Q You travel all the time? A Yes sir.
- Q What do you do? A With a medicine company.
- Q Well now I have to put some address down here so when the Commission wants to write to you they can do so; where would they write to you? A Write to Memphis.
- Q Would you get your letters at Memphis Tennessee? A Yes sir they always write to me by the Medicine company's name.
- Q How you are sure if any time the Commission wants to write to you, the letters will reach you at Memphis Tennessee? A Yes sir.
- Q In care of what Medicine Company? A Wah-hoo-choe.
- Q Then "Pearlle Fortune," Care of that medicine company, Memphis Tennessee will get to you in the next six months and the next year? A Yes sir.
- Q Where were you born? A Louisville.
- Q Mississippi? A Yes sir.
- Q How long have you lived in Mississippi? A All the time up till the last six years; I been travelling.
- Q And during the last six years where have you been living?
- A All about.
- Q Travelling about with the medicine company? A Yes sir.
- Q Have you any relatives who are travelling with the medicine company? A No sir.
- Q Are the rest of them white people? or are they Indians?
- A White folks and Indians too.
- Q You are not married your self? A No sir.
- Q What is your father's name? A Tom Fortune.
- Q Is he living? A Yes sir.
- Q Where is he living now? A Vane Mississippi.
- Q What does your father do; is he a farmer? A Yes sir; he's a carpenter; does everything.
- Q How old a man is he? A I think he's about fifty.
- Q Is he a full blood Choctaw Indian? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is your mother's name? A Lena.
- Q Lena Fortune? A Yes sir.

- Q Is she living with her husband at Vance? A Yes sir.
- Q Is she a full blood Choctaw Indian? A No sir.
- Q What is her blood? A She's a colored woman.
- Q Is she a full blood negro? A Well I claim to be half.
- Q Half Indian and half negro? A Yes sir.
- Q You claim your Choctaw blood through your father? A Yes sir.
- Q How much Choctaw blood do you claim? A Half.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory; I mean by that has your father ever been on any rolls of the Indians here in the Indian Territory; he has not been in the Indian Territory has he?
- A He never has been out here; not that I know of; they are going to send him tickets this week.
- Q Was your mother a slave at any time? A No sir.
- Q Your father never was of course; he was an Indian.
- Q Do you know when and where your father and mother were married? A At Lewisville.
- Q Do you know when they married? A Married in a hotel they said.
- Q By a minister under a license or by a Justice of the Peace?
- A I don't know.
- Q Do you know the exact date of that marriage? A No sir.
- Q Have you the proof of that marriage with you? A No sir.
- Q Are you married? A No sir.
- Q You claim for yourself alone do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory; I mean by that, have you ever been enrolled as an Indian in the Choctaw Nation? A No sir not yet.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q You never made application before did you? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes - that is the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir; no more than ever here.
- Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830 or do you know anything about that treaty? A I don't know anything about that.
- Q You haven't any lawyer have you? A No sir.
- Q And you never heard of that treaty of 1830? A No sir.

In 1830 on the 27th day of September of that year a treaty was made between the United States government and the Choctaw tribe of Indians who at that time lived in the old Choctaw Nation east of the Mississippi river; this treaty was made at a place called Dancing Rabbit Creek in Mississippi and is sometimes called by that name; the object of this treaty was to remove as far as practicable all the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw

Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; the treaty was then signed with that article in it and afterwards ratified; an article in a treaty is one of its subdivisions or sections or parts. Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This is article fourteen of the treaty of 1830 under which you are making your claim today.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty?
- A I don't know.
- Q Who do you claim your right to be identified through; what ancestor do you claim through; your father or his father or mother or both? A My papa and I got an uncle.
- Q You claim through your father; do you know his father's name? A No sir.
- Q Do you remember his mother's name? A No sir, my grandmother's name was Sukey Searney.
- Q Do you know how to spell that? A I don't know.
- Q Would S-e-a-r-n-e-y be right? A Yes sir.
- Q What relation was she to you; was she your father's grandmother - your great grandmother? A Yes sir.
- Q How much Choctaw blood did she have? A She was a full blood Choctaw.
- Q Did your father use to live in Mississippi? A Yes sir.
- Q He lives there now does he? A Yes sir.
- Q Were you born in Mississippi? A Yes sir.
- Q You claim your father was a full blood Indian? A Yes sir.
- Q And you claim to be one half? A Yes sir.
- Q Was your father always a resident of Mississippi; did he always live in Mississippi? A Yes sir.
- Q Do you know his father's name? A No sir.
- Q Do you know his mother's name? A All his folks died when he was little.
- Q You know his grandmother's name? A Yes sir. Sukey Searney.
- Q Do you know what Sukey Searney's husband's name was? A No sir.

- Q Did Sukey Searney live in Mississippi too? A I dont know.
- Q Well now did you ever have it told you by anybody in the family, your father or anybody else that his grandmother Sukey Searney lived in Mississippi or Alabama? A He said all his folks died and his grand mamma took care of him.
- Q In Mississippi, was it? A Yes sir.
- Q Did you understand from what he told you that the grandmother Sukey Searney took care of your father in the state of Mississippi? A He didn' tsay.
- Q But you said he always lived in Mississippi; you never heard he lived anywhere else did you? A No sir.
- Q Therefore if he always lived in Mississippi and she took care of him, she would live there too wouldn't she? A Yes.
- Q He's about fifty yearsold now you say? A Yes sir.
- Q How old would Sukey Searney be if she were living now?
- A She would be about a hundred I guess.
- Q Do you know if she was living and married in Mississippi in 1830; in other words did she have a family living there then - did you ever hear? A Not that I know of.
- Q Do you know whether she or any other ancestor of yours lived in Mississippi in 1830 and at that time owned any land or claimed any or received any from the government under article fourteen of the treaty of 1830? A No, I dont know.
- Q Do you know whether she or any other Choctaw ancestor of yours lived on land in that old Choctaw Nation either in Mississippi or Alabama for five years and whether at the end of that time this ancestor received a patent or a deed of that land from the government? A I dont know.
- Q You never heard that she or any other ancestor had any land in Mississippi that they got from the government or lived upon it? A No sir.
- Q Did you ever hear that they had any improvements on land in Mississippi in 1830? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know.
- Q Did you ever hear whether any of your Choctaw ancestors, Susan Searney or any other went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors Sukey Searney or any other went from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time previous to this application made by you? A No sir.
- Q You are the first member of your family that has ever been in the Indian Territory? A Yes sir.
- Q And you have just come in? A Yes sir.
- Q You didn't come in here to stay did you; you are going back with the medicine company are you? A I dont know; I'm coming here to see.
- Q But at the present time you give your address as Memphis Tennessee? A Yes sir.
- Q And in care of the medicine company? A Yes sir.
- Q And your present intention is to travel with them is it not?
- A I dont know.
- Q You haven't made up your mind yet to locate here? A I dont

- know; if I get anything I will stay; that's what I come to see about.
- Q You want know whether your application has been successful or not for some time yet; the Commission will have to take time to decide it and in the mean time you are going to be with the company I presume? A Yes sir.
- Q You say your father is now living in Mississippi? A Yes sir.
- Q Is he coming here to make application to be identified as a Mississippi Choctaw? A No sir, he went to Meridian and they didn't send for him to come on to the Indian Territory.
- Q He made application before the Commission at Meridian Mississippi did he? A Yes sir.
- Q When was that? Do you know? A In April I think.
- Q He lived at Sumner at that time; last June and he made application for Tommie and Malinda and Dbbie and Sis and Susan.
- A Tommie's married now.
- Q What is Tommie's name now; who did she marry? A Ransom Miles
- Q Where do they live? A They live at Vance.
- Q Are the other children living - your other brothers and sisters; are they all living? A Yes sir; three girls and one boy.
- Q Malinda, Dbbie, Sis and Susan; they are all living? A Yes sir
- Q You have given the name of Tom Fortune as your father?
- A Yes sir.
- Q Did he make application to be identified as a Mississippi Choctaw before the Commission at Meridian June 26, 1901?
- A I guess so; he went.
- Q He was living at Sumner at that time wasn't he- Sumner Mississippi? A Yes sir.
- Q Your mother's name is Jena? A Yes sir.
- Q Do you know in what County Sumner is - in Mississippi, in Tallahassee County? A Yes sir. He's done moved from there now
- Q Where does he live now? A In Vance, Whitland County.
- Q Do you want to have your case consolidated with the case of your father Tom Fortune so that when your case is considered his and yours will be considered together? You want to have them all together dont you? A He said for me to have mine by myself; I was old enough.
- Q You can make your application by you self; that's what he meant but when the Commission writes up your case you want to have his testimony and yours considered together; your father and your sister and you? A I want be where he is.
- Q That wont make any difference.

The case of this applicant is considered with the case of her father Tom Fortune et al M.C.R. 277; this case is referred to for the purpose of consolidation and also the case of this applicant's sister Mary Wilkinson M.C.R. 2937.

- Q You are sure their address is Vance are you? A Yes sir.
- Q When your father Tom Fortune made application to be identified at Meridian Mississippi June 26 1901, the following statement from the records of the Commission was made:

"The records of the Commission show that on January 21, 1899, this applicant, (that is Tom Fortune) appeared before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, and there made application for the identification of himself and his minor children, Pearl, Ophelia, Tommie, Malinda, Davison, Sis, Susan and Della, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card

Field No.134, also upon page 52 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being Nos. 472 to 480 inclusive thereon".

- Q Now in further answer to the questions that were put to your father at that time he stated that Pearl is married and that Ophelia and Delia are dead.
- Q Were Ophelia and Dbbie your sisters? A Sister and brother.
- Q Ophelia was a sister wasn't she? A Yes sir.
- Q And Dbbie was a sister too? A Brother.
- Q Now he says Pearl is married; that means you doesn't it?
- A Yes sir.
- Q Were you married? A No sir.
- Q What does he mean then; he says you were married? A I dont suppose he knew; he might have heard somebody say so.
- Q Then a question was asked him: "Whom did Pearl marry?"; the answer was Wah-ha-choe.
- Q Did you marry anybody by the name of Wah-ha-choe? A No sir.
- Q Who is Wah-ha-choe? A That's the medicine company.
- Q The company is name after him? A Yes sir.
- Q And he is the man you are travelling with now? A Yes sir.
- Q But you are not married to him or to anybody else? A No sir.
- Q Your father was mistaken? A They call all the medicine company -- all the names go by Wa-hoo-choe.
- Q Your father stated when he appeared before the Commission previous to his application at Philadelphia -- he gave the name of one of his children as Divion and then in this application made by him at Meridian, June 26, 1901 he said that Divion was not correct that it should be Dibbin; is that correct? A Yes sir.
- Q Do you speak or understand the Choctaw language yourself?
- A Some of it.
- Q A little? A Yes sir.
- Q You talk Choctaw with the Choctaw Indians? A Yes sir.
- Q Do you know what Chick-a-mau (?C.M.W.) means? A Yes sir.
- Q What is it? A Friend.
- Q Do you know what Ta-ca-loo-sa (?C.M.W.) means. A Colored woman.
- Q Do you count in Choctaw? A A little.
- Q Well count from one to ten? A (She counts. C.M.W.)

By the Commission:

This applicant has some knowledge of a few words in the Choctaw language; she is not able to count in the Choctaw language from one to ten and has a smattering of the Choctaw language; hardly enough to carry on a conversation in that language.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent Colonel Ward within

six months after the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. And his neglect to make a proper registration of the names of those Choctaw Indians caused a good many of them who had land in Mississippi upon which they had improvements to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians especially among those Indians whose land had been taken from them by the government that Congress appointed two commissions, one in 1837 and the other in 1842; the Commission of 1837 was appointed by an act of Congress approved March 3 of that year and the commission appointed in 1842 was under an act of Congress approved August 23 of that year; these commissions went to Mississippi in these two different years and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors Sukey Searney or any other went before either of these two commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir.
- Q Does your father Tom Fortune speak the Choctaw language? A Yes sir.
- Q Does he speak the Choctaw language better than he speaks the English language? A Yes sir.
- Q When he was examined in Meridian Mississippi he was asked if he could give the names of any of his ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama in 1830; his answer was: "Dont remember the names; all died out." He wasn't able to give the names of any of his ancestors.
- Q You are positive are you that Sukey Searney was his grandmother? A That's what he said.
- Q He told you so? A Yes sir.
- Q When he made application to be identified he couldn't remember; but you are sure that he told you? A Yes sir.
- Q Did he tell you that since he made application before the Commission or before? A Before I guess.
- Q Do you understand how he could have told you the name of his grandmother before he made application and at the time of his making application he couldn't tell? A I dont know; he said so.
- Q You get your information from him that his grandmother was Sukey Searney and that she was a full blood Indian? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors, Sukey Searney your great grandmother or any other received scrip from the government of the United States which scrip entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23 1842 and was given to those Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that they had formerly held land in the old Choctaw Nation which the government had taken from them and sold.

- Q Have you any other evidence you want to present now in support of ~~him~~ your claim; any papers you want to present to the Commission? A No sir.

the Commission? A No sir.

Q Is there anything that you want to say now in support of this claim? A No sir.

Q Have you an attorney, a lawyer? A No sir.

Q Do you want any time in which to introduce other testimony in this case? A I'm not particular.

Twenty days time is allowed this applicant in view of the fact that she has no attorney to represent her interests before the Commission, during which time she will be allowed to introduce other testimony if she desires, in support of this claim.

Q Miss Fortune you are positive you are not married and have not been married to any person? A I've never been married.

Q Either to Wah-hoo-oh-ee or anybody else? A No sir.

This applicant has the appearance and characteristics of a person descended from mixed Choctaw and negro blood; in which the Choctaw blood plainly predominates; she looks more like an Indian than a negro and in fact her personal appearance would lead one to believe that she was either a three quarter blood or a full blood Indian but for her statement that she was one half Choctaw blood and one half negro. She has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q Do you claim to have any white blood at all? A Not that I know of.

Q Now your father when he testified before the Commission at Meridian Mississippi June 26 1901 said that his father whose name he could not remember was one half Choctaw Indian and the other half white; do you know anything about that?

A No sir.

Q You have stated you remember in this application made by you that your father was a full blood Choctaw Indian but if his father was one half Indian and one half white he could not have been a full blood Choctaw Indian; you may be mistaken about that? A That's what he said; I don't know anything about it papa.

Q You stated that he was a full blood Choctaw Indian; he states that he himself claims to be three quarter Choctaw Indian; now do you think he was three quarter Choctaw or full blood? A I think he's a full blood.

Q But he himself says under oath that he was three quarter blood. Do you think he was right about that? A I don't know who is papa was.

---Q---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 5th day of November 1902 and that the above and foregoing is a full and true transcript of her stenographic notes in said case.

Subscribed and sworn to before me this 7th day of November 1902

Clara Mitchell Wood
Notary Public.

Muskogee, Indian Territory, December 3, 1903.

Mrs. T. W. Hooker,

Memphis, Tennessee.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th ultime, giving your post office as Memphis, Tennessee, and the same has been made a matter of record.

Respectfully,

Acting Chairman.

M C R 6367

Muskogee, Indian Territory, February 24, 1903.

Mrs. P. W. Hoochec,
Memphis, Tennessee.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask to be advised the present status of your case.

In reply to your letter you are informed that the Commission has not up to the present time reached any opinion or decision relative to your right to be identified as a Mississippi Choctaw, but is now considering your application and it is probable a decision will be rendered in the near future. Upon the rendition thereof you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

M.C.R. 6367.

COPY:

Muskogee, Indian Territory, October 24, 1903.

Pearlie Fortune,

Remailed on March 11/04 to Miss P. W. Hoochee
C/o Wahoochee Medicine Co. *Birmingham, Alabama*
Memphis, Tennessee. *1109 8th Ave between 11 & 12 sts*

Dear Madam:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tom Fortune, et al., embracing the following applications for identification as Mississippi Choctaws:

Tom Fortune, et al.	M. C. R. 2747
Pearlie Fortune,	M. C. R. 6367
Mary Wilkins, et al.	M. C. R. 2937.

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that

P.F.--2.

the evidence herein is insufficient to determine the identity of Tom Fortune, Tommie Miles (nee Fortune), Malinda Fortune, Dibbin Fortune, Sis Fortune, Susan Fortune, Pearlle Fortune, Mary Wilkins and Washooshee Wilkins, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(3)

T. B. Neelands.

Commissioner in Charge.

Registered.

M C R 2747
M C R 4367
M C R 5037

Mankegee, Indian Territory, March 1, 1904.

Miss F. W. Hoochco,
#1109 8th Avenue, between 11th & 12th Sts.,
Birmingham, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter dated February 10, 1904, in which you ask the status of the applications made by yourself and your father, Tom Fortune, for identification as Mississippi Choctaws. You further ask to be advised of the present post office address of Scott Hall, your uncle, whom you claim has moved from Mississippi to the Choctaw Nation, Indian Territory, and whether or not the Commission has an agent in Mississippi by the name of J. E. Black.

In reply you are advised that on October 24, 1903, the Commission rendered a decision refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Tom Fortune, et al., of which case your application is a part, and on the same date you were notified by registered mail at Memphis, Tennessee, in care of the Wahoochee Medicine Co., said letter being addressed to Pearl Fortune, as that was the name under which you made application, that you would be allowed fifteen days from the date of said decision within which to submit argument

P W H 2

in support of your claim. This letter was returned to this office marked "unclaimed" and is this day remailed you at Birmingham, Alabama.

The fifteen days allowed in this case having expired on November 8, 1903, the record in the consolidated Mississippi Choctaw case of Tom Fortune, et al., together with the decision of the Commission refusing the several applications included therein, was on November 9, 1903, forwarded to the Secretary of the Interior, and up to the present time the Commission has not been advised of any departmental action thereon. When the decision of the Secretary of the Interior in this case is made known to the Commission, you will be duly notified.

The post office of Scott Bell, who formerly resided at Plattsburg, Mississippi, an applicant to this Commission for identification as a Mississippi Choctaw, is shown by our records to be Kiowa, Indian Territory.

You are further advised that the Commission has not authorized any person by the name of J. B. Black to represent it or to act for it in any manner whatsoever.

Respectfully,

Commissioner in Charge.

M.O.R.6367

Muskogee, Indian Territory, April 7, 1904.

Miss P. W. Hocchoe,

1109 Eighth Avenue,

Birmingham, Alabama.

Dear Madam:

You are hereby notified that on the 7th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tom Fortune, et al., of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

No.

6367

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 5 1902

Name Pearlle Fortune.

Age 22 — Blood $\frac{1}{2}$ —

Post Office, Memphis, Tenn.
Cp Wabash medicine company

Father: Tom Fortune full l.

Mother: Lena " (negro) l.

Claims through father —

Children:

Claims for self
alone.

Claim mentioned

Pearson

1000

SLIP

in

ACTION TAKEN BY

APP

NOTICE OF

APP

REFUSED

This affidavit was
made P. M. 10. 10.

F. O. Pearson, name of

Choctaw MCR 6368

Judge J. Bates

MCR 6368

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Judge Jerome Bates,
et al., for identification as Mississippi Choctaws, M.C.R. 6368.
List of papers forwarded to the Secretary of the Interior, com-
prising the record in the case of Judge Jerome Bates, et al.

(Page)

Original application of Judge Jerome Bates, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Motion to extend time to take deposition of G. A. Cooper.....	7
Decision of the Commission on above motion.....	9
Decision of the Commission refusing the application of Judge Jerome Bates, et al., for identification as Mississippi Choctaws.....	12

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 6, 1902.

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In the matter of the application of Judge Jerome Bates for the identification of himself and his seven minor children Ednie Blanche, Virginia, Jennie S., Sallie, Judge Harold, Annie Lou and Wley Bates as Mississippi Choctaws.

Judge Jerome Bates being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your full name? A Judge Jerome Bates.
Q What is your age? A I was born in '62; forty one years old.
Q What is your post office address? A Ardmore.
Q Indian Territory, A Yes sir.
Q How long have you lived in Ardmore? A Two years last September.
Q Where did you live before that? A Lived in Georgia.
Q Were you born in Georgia? A Born and raised in Georgia.
Q Is your father living? A No sir he's dead.
Q Mother living? A No sir she's dead too.
Q What was your father's name? A Miller Bates.
Q What was your mother's name? A Sarah.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much do you claim? A I think it's about an eighth. My information is an eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q When and where were your father and mother married?
A I can't tell you whether it was in Tennessee or Georgia; my mother was a Tennessean; my father a Georgian; I can't tell you.
Q You haven't the proof of the marriage here? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A I'm not claiming for my wife; she's a white woman; Lillie Blanche is her name.
Q You don't make any claim for her? A No sir.
Q You have no lawyer have you? A No sir.
Q Give the names of your children commencing with the eldest.
A I will have to draw my back on that; there's so many of them - ages and names - I can't remember. Ednie Blanche Bates; she's fourteen.
Q The next? A The next is Virginia; she's twelve.
Q Virginia Bates? A Yes sir.
Q The next? A Jennie S. Bates.
Q How old? A She's ten years old.
Q The next? A Sallie Bates.
Q How old? A Seven years old.

months old.

Q That's a girl? A Yes sir.

Q Is Fannie a boy or girl? A Girl.

Q Is Lillie Bates the mother of these children?

A Yes sir.

Q Are you and your wife living together as husband and wife

A Yes sir.

Q And these children are all living with you at your home?

A Yes sir.

Were either you or your wife married before you married each other? A No sir.

Q When were you married to her? A In December 31st 1886.

Q By a minister under a license? A Yes sir.

Q Where were you married? A In Cherokee County, Georgia.

Q Have you the proof of that marriage with you now? A No sir.

Q Is your name or the name of any of your minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Were you or your children ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Is it your purpose now in coming before the Commission to be identified with your children as Mississippi Choctaws?

A Yes sir.

Q Do you claim under article fourteen of the treaty of 180.

A Yes sir.

Q Do you understand that article? A Why I think I do, yes sir.

Q Do you care for it to be explained to you further? A No sir I think not.

Q Without the explanation the article itself is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him or her ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or at-

tempted to comply with any of the provisions of that article of that treaty? A I dont know of my own knowledge ; just information is all I have from aged people that know about it.

Q Can you give the name of any ancestors who did comply with that article or attempted to? A Well yes sir; my grandmother did.

Q What was her name? A Her name was Thompson before she married - Jennie I think.

Q That was her maiden name? A Yes sir.

Q And she married whom? A John C. Bates, my grandfather.

Q He was a white man? A Yes sir.

Q That was your grandmother? A Yes sir.

Q How much Choctaw blood did she have? A Full blood is my information; I never saw her in my life.

Q Did she live in the state of Mississippi in 1830 or Alabama?

A She lived in the state of Mississippi in 1830.

Q In the old Choctaw Nation? A Lived in Yalobusha County.

Q Did she have children living with her at that time in 1830 when that treaty was made; in other words was she the head of a family? A She was the head of a family at that time.

Q Do you know anything about her children? A Why I know some of them.

Q Name those whom you can call? A I can give you the names of three or four of them.

Q Your father was one? A Yes sir and Milton C. Bates was another. Madison Bates, Owen, and that's all I remember.

Q Who was the oldest? A Why I declare I dont know. I think my father; I aint certain.

Q How old would he be if living now? A He would be sixty five or seventy I guess.

Q Do you think he was born previous to 1830? A What would that make him?

Q If he were born in 1830 he would be seventy two.

A He might have been and might not; I cant tell you about that.

Q Do you know whether your grandmother Jennie Thompson spoke the Choctaw language or had a Choctaw Indian name?

A That's my information; I dont know sir. I've been told my moved from that country to Alabama and then into Georgia.

Q Are any of those people living? A There's only one.

Q What one is that? A James Cooper.

Q He's a man of what age? A He's eighty five or six years old

Q Where does he live? A He lives in Murray County Georgia.

Q Would it be possible for you to get his statement or deposition? A Could get his deposition but it would be impossible to get him here.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent and attempt to register under article fourteen of the treaty of 1830? A My grandmother did as so I've been told.

Q What was done by her and by the agent at that time if you recollect? A The agent as I have it refused to enroll her.

Q Do you know why? A Why no sir I dont.

Q Did she go in person? A She did.

- Q Can you give an idea of her age; how old she would be if living now? A She has been dead over forty years; I never saw her.
- Q You dont know how old she was when she died? A No, I never heard any one say.
- Q Where did you get your information that she ever applied to Ward for the purpose of registering under article fourteen?
- A From this old man Cooper.
- Q That evidence is very material in this case; you are advised that what you should prove is that she lived in Mississippi in 1830, was the head of a family there then and complied or attempted to comply with article fourteen of the treaty of 1830.
- A I can state further that her brother Jacob Thompson now lives near Busha Creek; his allotment was allowed him.
- Q Did he go before Colonel Ward? A I dont know who he went before.
- Q Do you know whether he was on Ward's list?
- A I dont know; his lands were allotted him on Yalobusha Creek; allotted him there and his sister applied.
- Q His name was Jacob Thompson? A Yes sir.
- Q Do you know how old Jacob Thompson was when they went to Colonel Ward? A No sir.
- Q Do you know whether they went alone or whether anybody went with them? A No sir.
- Q You dont know anything about the particulars? A No sir.
- Q Do you know whether there are any other Choctaw ancestors of yours who owned any land or claimed any in Mississippi in the old Choctaw Nation under article fourteen of the treaty of eighteen hundred and thirty? A I dont know; except her brother; I know that by information; I heard that she applied.
- Q You never heard she owned or claimed any land there? A No sir; she applied and was refused she moved away from there in 1838 or forty somewhere.
- Q Where did she go? A To Alabama.
- Q Then Jennie Thompson didn't go from the old Choctaw Nation to the Choctaw Nation Indian Territory between 1833 and 1838 or forty? A Not that I know of.
- Q Did any of your Choctaw ancestors remove at that time or any time previous to this application made by you? A I dont know.
- Q Did Jennie Thompson your grandmother or as she was afterwards known Jennie Bates or any other Choctaw ancestor of yours own any land in the old Choctaw Nation, live upon it five years and get a deed or patent of it from the government?
- A I dont know.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified if they wanted to take advantage of article fourteen of the treaty of 1830 were required to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi take land and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Wards register and because of his negligence in this respect a great many Choctaw Indians who had land in the old Choctaw Nation upon which they had

improvements had their land and improvements taken from them by the government and sold at its public land sales; this caused a great deal of distress among the Choctaw Indians and a great many complaints and as a result of the complaints that were made, in 1837 Congress appointed a Commission under act approved March 3rd of that year; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 by an act approved August 23 of that year another Commission was appointed by Congress for the same purpose; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that Jennie Thompson your grandmother or Jennie Bates or any other Choctaw ancestor of yours went before either of the Commissions and claimed any benefits as Choctaw Indians under that article? A I dont know.

The act of Congress approved August 23 1842 provided among other things that scrip should be issued to those Indians who proved their rights under article fourteen and also proved that the land had been taken from them by the government in the old Choctaw Nation and sold.

- Q Do you know whether any of your Choctaw ancestors received any such scrip from the government which entitled them to selected land in Mississippi Alabama Louisiana or Arkansas? A No sir.
- Q Do you speak or understand the Choctaw language? A I do not.
- Q Have you any other evidence you want to present to the Commission at this time? A No sir. All I have is myself.
- Q What is the name of this relative of yours who lives in Georgia? A He's not a relative. His name is James Cooper.
- Q He knew your grandmother and you think knows something about her having attempted to comply with article fourteen? A Yes sir.

Thirty days time is allowed this applicant in order to introduce proper testimony of this witness if he desired to do so in support of this application which he makes for himself and children.

- Q Have you any relatives Mr Bates who have been here before the Commission to be identified as Mississippi Choctaw Indians? A No sir none of my immediate relatives.
- Q Have you any immediate relatives whom you think might possibly come here? A No sir; I dont think they will; I've got some brothers and sisters; some in Georgia and some in Alabama; I dont think they will make application.
- Q Now is there anything further you would like to say in support of this claim? A No sir; I dont want to make any statement; I would like to know a little about getting the deposition of Mr. Cooper; you stated that I had thirty days? A Yes sir.
- A Now I will have to have this prepared in this office?
- Q Well if you wish to take the deposition of this witness you will obtain from the Commission the printed rules in regard to the manner in which depositions should be taken and then follow the instructions in those printed rules and the Commission will allow you time and every facility for the taking of the deposition of this or other witnesses.

Judge Jerome Bates 6

This applicant has the appearance and physical characteristics of being descended from white parentage; he has black hair; black eyes; black mustache; dark complexion; claims Choctaw blood; does not understand or speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with article fourteen of the treaty of 1830 further than family history and tradition and thinks he can introduce a witness to show compliance on the part of his grant mother Jennie Bates nee Thompson, in support of this claim.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 6th day of November 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 17th day of November 1902.

Charles H. Sawyer
Notary Public.

MS.
Code.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Judge Jerome Bates,
et al., for identification as Mississippi Choctaws, W.C.B. 6368.

D E C I S I O N

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Judge Jerome Bates for himself and his seven minor children Ednie Blanche, Virginia, Jennie S., Callie, Judge Harold, Annie Lou and Floy Bates under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being

descendants of Jennie Bates, nee Thompson, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jennie Bates, nee Thompson, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Judge Jerome Bates, Benie Blanche Bates, Virginia Bates, Jennie B.

-2-
Bates, Nellie Bates, Judge Harold Bates, Annie Lou Bates and Floy
Bates as Choctaw Indians entitled to rights in the Choctaw lands
under the provisions of said Article fourteen of the treaty of
eighteen hundred and thirty, and that the application for their
identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tame Dixby
Acting Chairman.

(SIGNED)

T. B. Needles
Commissioner.

(SIGNED)

C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory.

FEB 4 1903

CW

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the appli-
cation of Judge J. Bates et
al., for identification as
Mississippi Choctaws

Decided on motion of applicants
for an extension of thirty days
from December 6, 1903, in which
to take the deposition of James
Cooper.

M.C.R. 6368

-----SUMMARY OF PROCEEDINGS-----

Come now Judge J. Bates, one of the applicants herein,
and presents his motion praying for an extension of thirty days
in which to take the deposition of James Cooper in support of
said application, which motion is in words and figures as follows,
to-wit:

Judge J. Bates
vs
Choctaw & Chickasaw
Nations

Application for identification as a
Miss. Choctaw before the Bureau Com-
mission to the Five Civilized Tribes
of Indians at Washington, D.C.

Motion to extend the time allowed to
take the Deposition of James Cooper,
et al.

Come now the applicant Judge J. Bates & moves the Com-
mission to extend the time allowed by said Commission to take
the Deposition of James Cooper, et al. in material witness for
applicant thirty days from this date; for the following
reasons to-wit: Applicant has had sickness in his family, &
other unavoidable circumstances that prevented the filing of
deposition in accordance with the ruling of said Commission.
Applicant states on oath that this motion is not filed for
delay but for the purpose of preparing the testimony of said
witness, & that Justice may be done in the premises.

Sworn to and subscribed before
me S. C. Cleuts Notary Public
in and for the Southern Judicial
District of the Indian Territory

(Signed) Judge J. Bates

(Signed) S. C. Cleuts "

It appears from the records of the Commission that on November 6, 1902, Judge Jerome Bates made a personal application for the identification of himself and his seven minor children, Edna Blanche, Virginia, Jennie E., Sallie, Judge Harold, Annie Lou and Floy Bates as Mississippi Choctaws, and at that time he was granted thirty days in which to have the deposition taken of a witness named Cooper, who was a resident of the state of Georgia, and he was at the same time furnished with a copy of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications. Since then no further effort seems to have been made by the applicant to secure the issuance of a commission to take said deposition in accordance with said rules and regulations.

-----CONCLUSION-----

In order for this applicant to be entitled to an extension of time in which to take the deposition in question, it is necessary for him to show, First: That said testimony is material to his cause, setting forth what he expects to prove by said witness. Second: He must show that he has exercised due diligence in his attempt to secure said evidence, either by the personal attendance of the witness, or by his deposition. These requirements have not been

complied with in the motion, and the premises considered, the
Commission is of the opinion that said motion should be, and the
same is, hereby overruled.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Acting Chairman

Commissioner

Muskogee, Indian Territory

DEC 6 1902

sub for letter
of Dec 6/02

H.C.R. 6368

Washoe, Indian Territory, December 11, 1902.

Judge J. Bates,

Armore, Indian Territory.

Dear Sir:-

There is enclosed you herewith a copy of the decision of the Commission denying the motion for an extension of thirty days in which to take the deposition of James Cooper, in the matter of the application of Judge J. Bates, et al., for identification as Mississippi Choctaws.

Respectfully,

Acting Chairman

Enclosure
G.H. 195

COPY.

M.O.R. 6368

Muskogee, Indian Territory, February 4, 1903.

Judge Jerome Bates,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Judge Jerome Bates, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Judge Jerome Bates, Benie Blanche Bates, Virginia Bates, Jennie S. Bates, Nellie Bates, Judge Harold Bates, Annie Lou Bates and Floy Bates as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file ~~your~~ ^{your} ~~answers~~ ^{answers} in this office, and that at the expiration of said time the papers in the case to-

-2-

gether with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Dixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6368

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Judge Jerome Bates, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Judge Jerome Bates, Ednie Blanche Bates, Virginia Bates, Jennie S. Bates, Sallie Bates, Judge Harold Bates, Annie Lou Bates and Floy Bates as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

DESIGNED)

Tams Dixby

Acting Chairman.

COPY

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Judge Jerome Bates, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached, to the record.

Respectfully,

Tamie D. B. B.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.R. 8368

Land
12779-1903.

C O P Y
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

MAY 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Judge Jerome Bates, for himself and his seven minor children, Minnie Blanche, Virginia, Jennie S., Sallie, Judge Harold, Annie Lou and Floy Bates, wherein a decision adverse to the applicants was rendered by the Commission on February 4th, 1903.

An examination of the evidence in this case shows that the applicants base their claim to identification on their descent from Jennie Bates (nee Thompson), who it is alleged was a Choctaw Indian, a citizen of the Choctaw Nation and a resident in Mississippi at the time of the making of the treaty of 1830.

The Commission states in its decision rejecting these applicants that its records do not show that Jennie Bates (nee Thompson) complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and give as an additional reason for their rejection that they have never been enrolled as citizens of the Choctaw Nation.

At the date of the application herein had before the Commission February 6, 1903, the applicants were granted thirty days in which to have deposition taken of a witness named Cooper, who resided in Ga., and the principal applicant was furnished with a copy of the

Rules and Regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications during which time he seems to have made no effort to secure such evidence or the issuance of a commission to take said deposition in accordance with said rules and regulations, he now appears before the Commission and moves them to extend the time in order that he may secure this evidence, thirty days from date Dec., 6, 1902, alleging that sickness in his family prevented his attending to the same within the time granted him. As he does not show that this evidence is material to his cause or set forth what he expects to prove nor show that he has exercised due diligence in his attempt to secure said evidence, either by personal attendance of the witness or otherwise, it is the opinion of this office that the decision of the Commission overruling the motion is correct.

The office has made a search of its records for the name of Jennie Bates (nee Thompson) and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that she applied to the Commission appointed under Acts of March 3, 1837 and August 23, 1849, for an adjudication of her rights, if she had any, as a Choctaw Indian.

These being the facts of the case, the decision of the Commission rejecting the applicant is respectfully recommended for approval.

Very respectfully,

A. C. Tenner,

C.T.C.

Acting Commissioner

D.C.24184

ITS.4280-1903
LRB

C O P Y
DEPARTMENT OF THE INTERIOR,
WASHINGTON, MAY 11, 1903

WCY
RAY

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

The Department is in receipt of your communication of February 20, 1903, transmitting the record in the matter of the application for identification as Mississippi Choctaws, of Judge Jerome Bates and his minor children, Ednie Blanche, Virginia, Jennie S., Sallie, Judge Harold, Annie Lou and Fley Bates. Your decision of February 4, 1903, is adverse to the applicants.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Jennie Bates (nee Thompson), the paternal grandmother of the principal applicant, it being alleged that she was a full blood Choctaw Indian and a resident of the Choctaw Nation in Mississippi at the time of making the treaty of 1830.

At the date of the application had before the Commission February 6, 1902, the applicants were granted thirty days in which to have a deposition taken of a witness named Cooper, who resided in Georgia, and the principal applicant was furnished with a copy of the rules and regulations governing the procedure in the taking and submission of depositions in Mississippi Choctaw applications, during which time he seems to have made no effort to secure evidence or the issuance of a commission to take said deposition in accordance with said rules and regulations. He now appears before the Commission and

moves them to extend the time in order that he may secure this evidence thirty days from date, December 8, 1902, alleging that sickness in his family prevented his attending to the same within the time granted him.

He does not show that this evidence is material to his cause or set forth what he expects to prove, nor that he has exercised due diligence in his attempt to secure said evidence ^{either} by personal attendance of witness or otherwise.

The Commissioner of Indian Affairs reporting in the case May 6, 1903, states that an examination of the records of the Indian Office shows that the name of Jennie Bates (nee Thompson) does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or with the subsequent acts of Congress relating thereto, and recommends that your decision be approved.

Taking into consideration the evidence produced by the applicant and the fact that he does not set forth in his affidavit that the evidence he intends to produce is material to his cause, or set forth what he expects to prove, nor show that he has exercised due diligence in his attempt to secure ^{such} evidence, the Department finds no reason for disturbing your decision, and the same is hereby affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

THOS RYAN

Acting Secretary

1 inclosure.

COPY

M.C.R. 6360

Muskogee, Indian Territory, May 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Judge Jerome Bates, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

SIGNED.

Tate Dixon,
Chairman.

COPY.

M.C.R. 6368

Muskogee, Indian Territory, May 20, 1903.

Judge Jerome Bates,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Judge Jerome Bates, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

SIGNED.

James D. Doby

Chairman.

No.

6369

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 6 1902

Name Judge J. Bates.

Age 41 -

Blood $\frac{1}{8}$

Post Office, Ardmore, D. T.

Father: Miller Bates, d.

Mother: Sarah " d.

Claims through father

Wife.

Lillie B. Bates l. w.
No claim for wife.

Children:

Ednie B. Bates	F	14
Virginia	"	12
Jennie S.	"	10
Sallie	"	7
Judge H.	"	4
Annie Lou	"	3
Floy	" (F)	3 m.

Claims for sup &
7 minors.

Judge J. Bates

REFUSED

DECISION RENDERED. FEB 1 1903

RECEIVED. MAILED APRIL 1903

FEB -1 1903

NOTICE OF DECISION RENDERED
FOR CHOCTAW AND CHICKASAW NATIONS

FEB -4 1903

RECORD FORWARDED DEPARTMENT

FEB 20 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

MAY 1 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAY 20 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 21 1903

RECEIVED FEB 1 1903

Choctaw MCR 6369

Sarah I. Gault

MCR 6369

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----C-----

In the matter of the application of Sarah Ida Gault, et
al., for identification as Mississippi Choctaws, M.C.R. 6569.

-----C-----

List of papers forwarded to the Secretary of the
Interior with the record in the above
case, together with the page
occupied by each in
said record.

-----C-----

Page,

Original application of Sarah Ida Gault, et al.,
to the Commission to the Five Civilized Tribes,
for identification as Mississippi Choctaws,..... 1

Decision of the Commission to the Five Civil-
ized Tribes, refusing the application of
Sarah Ida Gault, et al., for identification as
Mississippi Choctaws,..... 6

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 7, 1903.

In the matter of the application of Sarah Ida Gault for the identification of herself and her four minor children Fannie Jane Gault, James Luther Hardy Gault, Effie May Gault and David Duke Gault, as Mississippi Choctaws.

Sarah Ida Gault being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Ida Gault.
Q What is your age? A Thirty four years old.
Q What is your postoffice address? A Calhoun, Dallas County, Texas.
Q How long have you lived at Calhoun? A I've been living there off and on about fifteen years.
Q Where were you born? A Tennessee.
Q Where in Tennessee? A Right on the line of Lincoln and Franklin.
Q From Tennessee you went to what state? A Texas.
Q And have lived there since? A I lived in the Indian Territory four years.
Q What four years? A We left there this spring was two years ago.
Q Where did you live during those four years? A In Blue County, eight miles east of Durant.
Q In what nation? A Choctaw Nation.
Q Is your father living? A Yes.
Q Has he been before the Commission? A No sir.
Q Is your mother living? A Yes sir.
Q Has she been before the Commission? A No sir.
Q What is your father's name? A Anthony A. Foster.
Q What is your mother's name? A Melissa.
Q Through which parent do you claim Choctaw blood?
A My father's mother.
Q You claim through your father then do you? A Yes sir.
Q And he claims through his mother? A Yes sir.
Q How much Choctaw blood do you claim? A I can't tell you.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Do you know when and where your father and mother were married?
A They was married about the line of Alabama and Tennessee.
Q Do you remember the date? A No sir I don't.
Q Have you the proof of that marriage with you now? A No sir.
Q Do you know whether they were married by a minister under a license? A Yes sir I guess so.
Q What is your husband's name? A John W. Gault? He's a white man.
Q Do you make any claim for him? A A Why I don't know.
Q You don't claim he has Choctaw blood do you? A No sir.
Q He's a white man? A Yes sir.
Q Then you don't make any claim for him as a Choctaw Indian?
A No sir.

Sarah Ida Gault 2

- Q How many children have you? A Four.
- Q All under age? A Yes sir.
- Q What is the name of the oldest child? A Fannie James
- Q How old is Fannie? A Sixteen years old.
- Q What is the name of the next child? A James Luther Hurdy.
- Q Gault is it? A Yes sir.
- Q How old is James? A Twelve.
- Q What is the name of the next child? A Effie May
- Q How old is Effie? A Ten years old.
- Q The next? A David Duke.
- Q How old is David? A Two years old.
- Q Is that all? A Yes sir.
- Q Is John W. Gault the father of these four children?
- A Yes sir.
- Q Are you and your husband living together as husband and wife? A Yes sir.
- Q Are these children living with you at your home? A Yes sir.
- Q Were either you or your husband married previous to your marriage to each other? A No sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your minor children to the Choctaw tribal authorities in the Indian territory? A No sir.
- Q Have you ever made such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1898? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission at this time to identify yourself and your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim that right under article fourteen of the treaty of 1830 or dont you understand that article? Did you ever hear of article fourteen of the treaty of 1830? A No sir.
- Q Did you ever hear of the treaty of 1830? A No sir.
- Q You dont understand that article then do you? A No sir I dont.

The treaty of 1830 was a treaty made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September in the year 1830; this treaty was sometimes called the treaty of Dancing Rabbit Creek; the object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who remained back there in that old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; the treaty was then signed and afterwards on the 24th day of February 1831 was ratified; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months

from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A None only an uncle.
- Q Well an uncle is not an ancestor; an ancestor is some one from whom you are descended going back in a straight line; to your father or mother or grandfather or grandmother or great grandfather or great grandmother; those were ancestors; now who did you get your Choctaw blood through?
- A Through my grandmother.
- Q Your father's mother? A Yes sir.
- Q What was her name? A Patsy McDonald.
- Q That was your grandmother on your father's side? A Yes sir.
- Q How much Choctaw blood did she have? A Half.
- Q Was Patsy McDonald her maiden name or married name? A Post-er was her married name.
- Q She married whom? A Jim Foster.
- Q Was he a white man? A Yes sir.
- Q Did Patsy Foster nee McDonald live in Mississippi in 1830, seventy two years ago? A Yes sir I guess so.
- Q Did she have a family living with her then, seventy two years ago? A Yes sir.
- Q In other words was she the head of a family in Mississippi at that time? A Yes sir.
- Q Do you know what children she had then? A No sir I dont.
- Q How old is your father? A He's fifty seven years old.
- Q Where was he born? A He was born in Tennessee.
- Q Has he any elder brothers or sisters? A Yes sir.
- Q How much elder would be the oldest? A There's three older than him.
- Q Well now the oldest would be how much older than your father? A I dont know.
- Q Would any be ten years older or fifteen years older?
- Q Would be fifteen years older I think.
- Q Which one would be fifteen years older than your father?
- A Sarah.
- Q Is she living now? A No sir she's dead.
- Q Was she born in Mississippi? A Yes sir.
- Q Did your grand mother Patsy possess any land or claim any land in Mississippi in the old Choctaw Nation under article fourteen of the treaty of 1830? A No sir not that I know of.
- Q Do you know whether she occupied any land in the old Choctaw Nation for five years and then received a patent of that land from the government under article fourteen of the treaty of 1830? A I think not.

- Q Did she or any Choctaw ancestor of yours within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi take land and become citizens of the states? A No sir not that I know of.
- Q Did she or any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A There was some of the family but I dont know.
- Q Dont know who went to the Indian Territory? A No sir.
- Q Did you ever hear that Patsy McDonald went? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory at any time from the ratification of the treaty of 1830 down to this present date that you know anything about? A Not that I know of.
- Q Did you ever hear that any of your Choctaw ancestors owned any land or any improvements upon land in the old Choctaw Nation in 1830? A No sir.
- Q Did Patsy McDonald who married Jim Foster speak the Choctaw language or have a Choctaw Indian name? A My grandfather?
- Q No Patsy McDonald? A No sir I think not.
- Q Your grand father was a white man wasn't he - Jim Foster?
- A Yes sir.
- Q Have any of your relatives or kin folks been before this Commission to be identified as Mississippi Choctaws? A No sir.

The Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river when the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to apply to Colonel William Ward the United States Indian agent within six months from the ratification of the treaty and register under article fourteen of the treaty; a good many Indians attempted to do so; the Indian agent Colonel Ward refused or neglected to put their names upon his registry list now known as Wards register; because of his neglect a good many Choctaw Indians who had land in the old Choctaw Nation upon which they had improvements lost both their land and their improvements; both were taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1831 by an act approved March 3 of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed by Congress for the same purpose and this Commission went also to Mississippi and heard claimants under article fourteen of the treaty of 1830; this latter Commission was appointed by act of Congress approved August 23 1842.

- Q Did any of your Choctaw ancestors go before either of those Commissions and claim any rights or benefits under article fourteen of that treaty? A Not that I know of.
- Q Do you know the name of Patsy McDonald's father? A No sir.
- Q Do you know her mother's name? A No sir.
- Q You are not able to go back any further in the line of ancestry than your grandmother Patsy McDonald who married Jim Foster? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know.

This scrip was issued under act of Congress approved August 23 1842 and was issued to those Choctaw Indians who proved their rights under article fourteen and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any documentary or any other kind of evidence you want to present now in support of this claim; have you any papers of any kind? A No sir.
Q Have you an attorney? A No sir.
Q Do you know of any witnesses anywhere or any evidence anywhere that you would like to bring before the Commission? A No sir they are all dead except my father.
Q Do you think your father will come before the Commission to be identified or attempt to be? A I dont know whether he will or not.
Q Do you care for any time in which to introduce other testimony in this case? A No sir.
Q Is there anything more you can think of that you want to say now in support of your application? A Nothing more than I just cant tell you any old witnesses; they are all dead.

This applicant has the appearance and physical characteristics of being descended from a white parentage; she has dark brown hair; brown eyes; medium dark complexion; features of a white person; she doesn't understand or speak the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

- n Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 7th day of November 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 21st day of November 1902.

Charles H. Sawyer
Notary Public.

127
C.W.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah Ida Gault, et al., for identification as Mississippi Choctaws, H.C.R. 6369.

— DECISION —

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Sarah Ida Gault for herself and her four minor children, Fannie Jane, James Luther Hurdy, Effie May and David Duke Gault, under the following provision of the act of Congress approved June 22, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Patsy Foster, nee McDonald, who is alleged to have been an one-half blood Choctaw Indian (and to have resided in Mississippi in

eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 121).

It does not appear from the testimony and evidence submitted in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Betsy Foster, nee McDonald, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 100) and August 23, 1842 (5 Stat., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Ida Gault, Fannie Jane Gault, James Luther Murdy Gault, Errie May

Gault and David Dake Gault as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) *Tame Dixby.*

Acting Chairman.

(SIGNED) *T. B. Needles.*

Commissioner.

(SIGNED) *C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

FEB 4 1885.

Muskogee, Indian Territory, December 30, 1902.

Sarah I. Gault,

Calhoun, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you state that you are an applicant for identification as a Mississippi Choctaw, and ask if you have a right to hold land in the Choctaw Nation.

In reply to your letter you are informed it appears from the records of the Commission that you are an applicant for the identification of yourself and four minor children as Mississippi Choctaws.

No opinion or decision has yet been reached in your case but the Commission is now considering your application and it is probable that a decision will be rendered in the near future.

You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

At the present time yourself and children occupy the status of applicants for identification as Mississippi Choctaws, whose rights to such identification have in no manner been determined.

Relative to your right to hold land in the Choctaw Nation, your attention is invited to the following provision of the act of

S. I. G. -----2.

Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations on September 25, 1902, as follows:

"41. All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said allotment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission as Mississippi Choctaws entitled to allotment, and that yourself and children are not at this time entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 4, 1905.

Sarah Ida Gault,

Galveston, Texas.

Dear Madam:

You are hereby advised that on the 4th day of February, 1905, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Ida Gault, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stat., 493), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Ida Gault, Fannie Jane Gault, James Luther Murdy Gault, Effie May Gault and David Duke Gault as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Sarah Ida Gault,—2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Bixby.

Acting Chairman.

Registered.

COF

M.O.R. 6369

Muskogee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Ida Gault, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1900 (36 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Ida Gault, Fannie Jane Gault, James Luther Hurdy Gault, Effie May Gault and David Duke Gault as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

Muskogee, Indian Territory, February 20, 1903.

Sarah I. Gault,

Galveston, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 18th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You state that you are not satisfied with the decision of the Commission and make certain statements regarding your ancestry.

In reply to your letter you are informed that the fifteen days from February 4, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on February 19, 1903, and on this date the record in your case, together with the decision of the Commission, will be forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sarah Ida Gault, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Sincerely,

Tame Dixie

Acting Chairman.

Through the
Commissioner of Indian Affairs.
2 inclosures: M.S.N. 6500

Washoe, Indian Territory, March 10, 1903.

John Gault,
Calhoun, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th ultimo, to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. Therein you state that you have been advised by the Commission to the Five Civilized Tribes, that the evidence submitted was insufficient to establish your wife's identity as a Mississippi Choctaw; that you are unable to submit arguments in the fifteen days allowed for that purpose and ask that the time be extended.

In reply to your letter you are informed that the fifteen days from February 4, 1903, heretofore granted in your wife's case within which to file arguments in support of her claim to be forwarded to the Secretary of the Interior, expired on February 19, 1903. On February 20, 1903, the record in her case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. She will be duly notified of such action as may be taken by him.

You are further advised that the fifteen days allowed applicants in Mississippi Choctaw cases within which to file argu-

J G 2

ments in support of their claims to be transmitted to the Secretary of the Interior, are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

(C O P Y)

Land.
12787--1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 22, 1903.

The Honorable

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Sarah Ida Gault for herself and her four minor children, Fannie Jane, James Luther Hurdy, Effie May and David Gault, for identification as Mississippi Choctaws, claiming rights as such, under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Patsy Foster (nee MacDonald), who it is claimed was a citizen of the Choctaw Nation and a resident in Mississippi at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants February 4, 1903, for the reason that the ancestor through whom they claim does not appear from their records to have complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and give as an additional reason for rejection that the applicants

themselves have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made for the name of Patsy Foster (nee McDonald) and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that she applied to the Commission appointed under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of her rights, if she had any, as a Choctaw Indian.

This being the case it is the opinion of this office that the decision of the Commission rejecting the applicants, is correct and is therefore, respectfully recommended for approval.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

C.T.C.

(C O P Y)

D.C.16422

W.C.P.

ITD.4592-1903.

RAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N .

May 26, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 26, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Sarah Ida Gault and her minor children, Fannie Gane, James Luther Hurdy, Effie May and David Duke Gault. By decision dated February 4, 1903, the Commission refused the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Patsy Foster (nee McDonald) the paternal grandmother of the principal applicant, it being alleged that she was a half blood Choctaw Indian and a resident of Mississippi in 1830.

The evidence submitted in this case, as well as the records of the Indian Office, fails to show that said Patsy Foster ever complied or attempted to comply with article 14 of said treaty, or with the subsequent acts of Congress relating thereto.

Reporting May 22, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

The Department finds no reason to disturb your decision,
and it is hereby affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M.O.R. 6369

COPY.

Muskogee, Indian Territory, July 16, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 26th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Ida Gault, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

N.C.R. 6369

COPY.

Muskogee, Indian Territory, July 15, 1903.

Sarah Ida Gault,
Calhoun, Texas.

Dear Madam:

You are hereby notified that on the 26th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaw of the several persons included in the case of Sarah Ida Gault, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 7 1902

Name Sarah J. Gault,

Age 34 —

Blood Don't know.

Post Office, Calhoun, Texas —

Father: Anthony A. Foster, l.

Mother: Melissa " l.

Claims through

father —
Husband

John W. Gault, l. w.

No claim for husband —

Children:

Fannie J. Gault, 16

James L. H. " 13

Effie M. " 10

David W. " 2

Claims for self &
4 minors.

Shall W.

RUMID: NOTIFICATION AND R.
A.M.I.S.T. CHOSTAW.

Sarah J. Gault et al

DEC/99

FREE

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Choctaw MCR 6370

John A. Slaughter

MCR 6370

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Alexander
Slaughter, et al., for identification as Mississippi Choctaws,
M C R 6370.

List of papers forwarded to the Secretary of the
Interior, comprising the record in the case of John Alexander
Slaughter, et al., M C R 6370.

Page:

Original application of John Alexander Slaughter,
et al., before the Dawes Commission for identifica-
tion as Mississippi Choctaws..... 1
Decision of the Commission refusing the applica-
tion of John Alexander Slaughter, et al., for
identification as Mississippi Choctaws..... 6

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 8, 1902.

In the matter of the application of John Alexander Slaughter for the identification of himself and his nine minor children, Watson Purdie, Emma, John, Stella, Cecil, Susie, Paul, General Dewey, and Myrtle Slaughter as Mississippi Choctaws.

John Alexander Slaughter being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Alexander Slaughter.
Q What is your age Mr. Slaughter? A I'm sixty four years old last year.
Q What is your post office address? A Belton Chickasaw Nation, Indian Territory? A Yes sir.
Q How long have you lived there? A I been there five or six years.
Q Where did you live before that? A I lived down close to Hewett out west of Ardmore.
Q How long did you live there? A I lived there about three or four years.
Q That was in the Indian Territory? A Yes sir.
Q Where did you live before that? A I lived in Texas.
Q Were you born in Texas? A No sir.
Q Where were you born? A I was born in Xalo Busha County, Mississippi.
Q From Mississippi you went where? A Went to Texas.
Q And from Texas to the Indian Territory? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Peter Woodman Slaughter.
Q What was your mother's name? A My mother's name was Emily Frances Hold.
Q That was her maiden name? A Yes sir.
Q Do you claim your Choctaw blood through your father or your mother? A Through my mother.
Q How much Choctaw blood do you claim? A Well Sir I cant hardly tell you how much I do claim.
Q Have you ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Her name's Fairlee Novella.
Q She is living? A Yes sir.
Q White woman? A Yes sir.
Q You dont claim anything for her as a Choctaw Indian then? A No sir.

John Alexander Slaughter 2

Q Have you any children under twenty one years of age and unmarried you want to make application for?
A Yes sir.
Q How many? A Nine.
Q All of them under age? A Yes sir.
Q And unmarried? A Yes sir.
Q Now give me the name of the oldest? A Materson Purtle.
Q How old is Materson? A He will be twenty years old in December.
Q He's nineteen now is he? A Yes sir.
Q That's a boy? A Yes sir.
Q Now the next? A Emma.
Q How old is Emma? A She's about fourteen years old.
Q The next? A The next is John? A How old is John? A John, he's twelve.
Q The next? A The next is Stella.
Q How old is Stella? A She's about ten years old.
Q The next is--? A Cecil.
Q How old is Cecil? A He's about seven years old.
Q The next? A The next is Susie.
Q How old is Susie.
A Susie; she's about six years old.
Q What's the name of the next child? A The next one is Maud.
Q How old is Maud? A She's four years old.
Q The next one is--? A General Dewey.
Q How old is General Dewey? A He's just past two.
Q You have another? A Yes sir.
Q What's the name of that one? A That one - we call it Myrtle.
Q How old is Myrtle? A She's just a little over a year old.
Q Is that all? A That's all of them under twenty one.
Q Have you any children over? A Yes sir.
Q How many? A Two boys.
Q What's the name of the oldest. A The oldest is William.
Q How old is he? A He's I guess about twenty three or four.
Q What's his post office address? A I don't know; the last account I had of him he was at Duncan, in the Comanche Nation.
Q You mean in Oklahoma? A Well it's in the upper part of the Chickasaw.
Q You said Comanche Country.
A It's right close to the Chickasaw - and Duncan is in the Chickasaw Nation isn't it?
Q Well he's in the Chickasaw Nation is he? A Yes sir.
Q Is he married? A No sir I think not.
Q What's the name of the next child? A His name is Walter A.
Q Where does he live? A He went out this summer on a wild-geese-chase and went in the western portion of Texas.
Q Do you know his post office address? A No sir.
Q Is Fairlee W. Slaughter the mother of these children?
A Well three of them; the three oldest boys.
Q She is your second wife is she? A Yes sir.
Q What's your first wife's name? A Her name was Patsy Cartell.
Q She's dead? A Yes sir.
Q Is she the mother of Materson P? A Yes sir.
Q Give the names of the children of whom she is the mother?
A Well now that oldest boy she's the mother of and the other two.
Q She is the mother of the two who are over age is she?
A Yes sir.
Q Give their names? A She's the mother of one of the children

- Q Give their names. A One is William and Walter and Materson P.
- Q These three children? A Yes sir.
- Q And paroled N. Slaughter your present wife is the mother of Emma? A Yes sir.
- Q John? A Yes sir.
- Q Stella? A Yes sir.
- Q Cecil? A Yes sir.
- Q Susie? A Yes sir.
- Q Maud? A Yes sir.
- Q General Dewey? A Yes sir.
- Q And Myrtle? A Yes sir.
- Q Have you the evidence of the marriage of your first wife as well as your second with you? A No sir I have not.
- Q Were you married by ministers? A Yes sir.
- Q And under a license in each case? A Yes sir.
- Q Do you remember when and where you married your first wife? A I married the first one in Yalobusha County Mississippi.
- Q The date? A The 25th day of December 1876. No, '77.
- Q When and where did you marry your second wife? A I married her in the Chickasaw Nation.
- Q What date? A The fourteenth of February I believe it was in eighty two I think it was, eighty one or eighty two; I disremember.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A Never have.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A Never have; this is my first attempt.
- Q You never have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Nor the children? A No sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No I do not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Hanging Rabbit Creek on the 27th day of September of that year 1830; the object of the treaty was to remove as far as practicable all of the Choctaw Indians living in the old Choctaw Nation east of the Mississippi river, to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty; in order therefore to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830; an article in a treaty is one of its subdivisions or sections; article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so

by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A The Holts.
- Q What is the full name? A Albert George Holt.
- Q What relation to you? A He is my mother's brother.
- Q You can't claim through your mother's brother; you have to claim through an ancestor from whom you are lineally descended. You have to claim through your mother or her ancestors.
- A I claim through my mother.
- Q What did you claim through her brother for? A Simply because he had been - that is his children have been identified I suppose in the Choctaw Nation as Choctaw citizens.
- Q That don't make any difference; whom did your mother claim through; her father or mother? A I can't tell you whether she claimed it through her father or her mother.
- Q You can't go back any further than your mother? A No because my mother died when I was small.
- Q Her name is Emily F. Slaughter? A Yes sir.
- Q How much Choctaw blood did your mother have? A I can't tell you how much she had.
- A Did she ever live in Mississippi? A Yes sir; she died in Mississippi.
- Q Was she born there? A I think so; I won't be positive.
- Q How old was she when she died? A I can't tell you that.
- Q How old would she be if living now? A Well she would be ~~thotatid~~ old; because I was her second child and I'm sixty four.
- Q Did you have an elder brother or sister? A I have two; I have a couple of brothers; one older and one younger.
- Q How much older was the elder brother than you? A Two years.
- Q Well he would be sixty six if living now? A Yes sir.
- Q He couldn't have been born in 1830? A No; let's see; he was born; yes he was too.
- Q That would be seventy two years ago? A Well you see I was born in 1836.
- Q Well he would have been born in 1836; he couldn't have been born in 1830? A No.
- Q What I want to find out if possible is the name of some ancestor of yours who had Choctaw blood and who lived in Mississippi in 1830 and was the head of a family there then. Do you know of any such ancestor? A I don't know; can't tell you; when my mother died I lost track pretty much of all my mother's people nearly.
- Q How old do you think your mother would be if living now?
- A Well sir I can't tell you; I expect she would be right close to eighty probably; close on to eighty years old, I expect.

- Q Was she born in Mississippi? A I cant tell you whether she was a native of Mississippi or not.
- Q You dont know whether she was living in Mississippi in 1830 and had a family living there then? A No sir; I dont.
- Q And you cant give the name of her father or mother?
- A I cant give the maiden name of her mother nor her father nor my grandfather on her side.
- Q You dont know which one she gets her Choctaw blood through?
- A No sir.
- Q Her maiden name was what? A Holt.
- Q And her father's name was Holt? A Yes sir.
- Q And her mother's name also was Holt? A Yes sir.
- Q But you dont know her given name? A No sir.
- Q And you dont know where she got her Choctaw blood? A No sir.
- Q Did any of your Choctaw ancestors live in the old Choctaw Nation in Mississippi or Alabama in 1830 and own any land or claim any land under article fourteen of the treaty of 1830? A No; I expect not. I dont know; if they did I cant tell you.
- Q Did any of your Choctaw ancestors go to the United States Indian agent within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi take land and become citizens of the states?
- Q I cant answer that because that was before I was born.
- Q You never heard? A No sir.
- Q Did any of your Choctaw ancestors live in Mississippi upon land or in the old Choctaw Nation either in Mississippi or Alabama upon land which they had received from the government of the United States under article fourteen of the treaty of 1830 for five years and at the end of that time receive a patent or deed for that land from the government? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I dont know whether they did or not.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory at any time previous to this application made by you or not? A Yes sir.
- Q I mean your ancestors; I dont mean relatives.
- A Not that I know of.
- Q Who did go? A Well Albert George Holt and his children all came to the Choctaw nation.
- Q That was your mother's brother? A Yes sir.
- Q That is all your relatives you knew anything about? A That's all my relatives that's been in the Choctaw Nation that I know of.
- Q And they came out here in '76 or '77; along about that time.

The Choctaw Indians who stayed back in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi take land and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register and as a result of his neglect a great many Indians who had land in the old Choctaw Nation upon

which they had improvements had both their land and improvements taken from them by the government and sold at its public land sales; this caused a great many complaints among the Choctaw Indians so that in 1837 by an act of Congress approved March 3 of that year Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23 of that year and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did you ever hear that any of your Choctaw ancestors went before either of these Commissions and claimed any benefits under article fourteen of that treaty? A No sir.

Q You never heard of those Commissions did you or of any ancestor of yours going before either one of them?

A No sir.

Q In 1842 by an act of Congress approved August 23 of that year scrip was issued to Indians who proved to the satisfaction of the Commission appointed in 1842, that they had rights under article fourteen of the treaty of 1830 and also that they had had land in the old Choctaw Nation which the government had taken from them and sold; this scrip was issued to those Indians authorizing them to select land either in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had formerly had in that old Choctaw Nation.

Q Did any of your Choctaw ancestors receive any such scrip as this from the government? A I cant answer that question.

Q Do you speak or understand the Choctaw language? A No sir; I cant speak it and dont understand but very little of it.

Q Have you any other evidence you want to present now in support of this claim? A None that I know of.

Q Have any of your relatives been before the Commission?

A If they have -- I was down at the surveying office a while back and he said he couldn't find the names of any of them on the roll.

Q You have no attorney have you? A No sir.

Q Do you want any time in which to introduce other testimony?

A Yes sir.

Q How much time; thirty days? A Yes sir.

Thirty days time is allowed this applicant in which to introduce other testimony in support of this application

This applicant has the appearance and physical characteristics of being descended from white parentage; has gray hair, formerly black; black eyes; dark complexion; does not understand the Choctaw language or speak it and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 8th day of November 1902 and that the above is a true and correct transcript of her stenographic notes in said case.

Subscribed and sworn to before me this 17th day of November 1902
Charles H. Sawyer Notary Public.

COPY.

W. H. Cole

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Alexander Slaughter, et al., for identification as Mississippi Choctaws,
N. C. N. 6370.

--- DECISION ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by John Alexander Slaughter for himself and his nine minor children, Watson Furtie, Rosa, John, Stella, Cecil, Essie, Maude, General Dewey and Myrtle Slaughter, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

-23-

seventh, eighteen hundred and thirty, by reason of being descendants of Emily Frances Slaughter, nee Hold (or Helt), who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence submitted in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Emily Frances Slaughter, nee Hold (or Helt), signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1827, (5 Stat., 140) and August 23, 1842 (5 Stat., 513).

-3-

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Alexander Slaughter, Materson Furtle Slaughter, Emma Slaughter, John Slaughter, Stella Slaughter, Cecil Slaughter, Susie Slaughter, Maud Slaughter, General Dewey Slaughter, and Myrtle Slaughter as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tamie Bixby.

Acting Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

FEB 4 1903

COPY

Waskagee, Indian Territory, February 4, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Alexander Slaughter, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Alexander Slaughter, Watson Purtle Slaughter, Emma Slaughter, John Slaughter, Stella Slaughter, Cecil Slaughter, Susie Slaughter, Maud Slaughter, General Dewey Slaughter and Myrtle Slaughter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jane Dixby.
Acting Chairman.

COPY.

M.C.R. 6370.

Muskogee, Indian Territory, February 4, 1903.

John A. Slaughter,
Belton, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John Alexander Slaughter, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John Alexander Slaughter, Waterson Furtle Slaughter, Emma Slaughter, John Slaughter, Stella Slaughter, Cecil Slaughter, Susie Slaughter, Maud Slaughter, General Dewey Slaughter and Myrtle Slaughter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

J. A. S. No. 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jame Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John Alexander Slaughter, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

JAMES DIXBY,

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 Inclosures: M.O.R. 6370

Land
12767-1903

C O P Y
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

April 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of John Alexander Slaughter for himself and his minor children, Matersen Purtle, Emma, John, Stella, Cecil, Susie, Maud, General Dewey and Myrtle Slaughter, for identification as Mississippi Cheetaws, claiming rights as such under the provisions of the 14th article of the Cheetaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Emily Francis Slaughter (nee Held or Helt) who is alleged to have been a Cheetaw Indian and a resident in Mississippi at the time of the making of the Cheetaw treaty of 1830.

The Commission rejected the parties hereto Feb. 4, 1903, and notified them and their attorneys of said rejection and granted them fifteen days in which to file further argument &c, which they failed to do. The decision of the Commission rejecting them is based on the ground that the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Cheetaw Nation.

An examination of the records of this office with reference to the name of Emily Francis Slaughter (nee Held or Helt) has been made and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of said treaty, neither does it appear that she applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of her rights, if she had any, as a Choctaw Indian.

These being the facts it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tenner

Acting Commissioner

C.T.C.

D.C.13847
I.T.D.3948-1903.
LRB

C O P Y
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

WCF
EAF
May 6, 1903.

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen:

February 20, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of John Alexander Slaughter and his nine minor children, Watersen Purtle, Emma, John, Stella, Cecil, Susie, Maud, General Dewey and Myrtle Slaughter, including your decision of February 4, 1903, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Emily Frances Slaughter, who is alleged to have been the mother of principal applicant and to have been possessed of some Choctaw blood (degree unknown), and to have lived in Mississippi or Alabama in 1830. Nothing is known of a more remote ancestor.

The record fails to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Emily Frances Slaughter complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 100), and August 23, 1842 (5 Stat., 513).

Reporting April 21, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to modify your decision and
it is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

RECEIVED
JAN 10 1910
U.S. DEPT. OF JUSTICE

COPY.

M.C.R. 6370

Muskogee, Indian Territory, May 19, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 6th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John Alexander Slaughter, et al., of which decision you were advised by mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Tamr Bixby.
Chairman.

COPY.

M.C.R. 6370

Muskogee, Indian Territory, May 18, 1903.

John A. Slaughter,

Belton, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John Alexander Slaughter, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

No. 6370

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Nov 8 1902

Name John A. Slaughter

Age 64 - Blood Don't know.

Post Office, Belton, I.T.

Father Peter W. Slaughter, d.

Mother Emily F. " d.

Claims through mother -

Wife² Pairlee K. Slaughter l.w.

No claim for wife -

wife no 1. Patricia Slaughter (d)

Mother Policy

Children: -

Materson P. Slaughter, 19

Emma " 14

John " 12

Stella " 10

Cecil " M 7

Sue " 6

Maud " 4

General Dewey " 2

Myrtle " 1

Claims for self & children

John A. Slaughter

REFUSED

DECISION RENDERED FEB -4 1903

NOTICE OF DECISION MAILED APPLICANT,

FEB -4 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB -4 1903

RECORD FORWARDED DEPARTMENT,

FEB 20 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY -6 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 19 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAY 19 1903

DECISION PREPARED

Choctaw MCR 6371

Luda May Bushon

MCR 6371

sub.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the identification
of Minda May Bushon, et al., as Mississippi Choctaws, M C R 6371.

List of papers forwarded to the Secretary of the
Interior, comprising the record in the case of Minda May
Bushon, et al., M C R 6371.

Page.

Original application of Minda May Bushon,
et al., for identification as Mississippi Choctaws..... 1

Decision of the Commission refusing the
application of Minda May Bushon, et al., for iden-
tification as Mississippi Choctaws..... 3

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 8, 1902.

Liza Bushon, a white woman, having been first duly sworn testifies in reference to the application which she makes for the identification of her three minor children, Minda May, Ada Marsellee and Viola Snow Bushon, as Mississippi Choctaws, as follows:

Examination by the Commission:

- Q What is your name? A Liza Bushon.
Q You are a white woman are you? A Yes sir.
Q Making this application for these minor children? A Yes sir.
Q What is your age? A Forty three years old this coming December.
Q What is your post office address? A Dixie.
Q In what state? A In the Chickasaw Nation.
Q Indian Territory? A Yes sir.
Q How long have you lived in the Indian Territory? A I been living here ever since I was twelve years old.
Q In the Indian Territory? A Yes sir, the biggest part of the time; of course I didn't live here all that time.
Q Where were you born? A I was born in Indiana.
Q From Indiana did you go to the Indian Territory? A No sir, we came to Missouri and then to Texas.
Q And then to the Indian Territory? A Then to the Indian Territory.
Q Do you make application for Minda May, Ada M., and Viola S. Bushon? A Yes sir.
Q They claim through their father? A Yes sir.
Q What was the name of the father of these children? A George William Bushon.
Q He is dead? A Yes sir.
Q How long has he been dead? A He's been dead going on three years.
Q How much Choctaw blood did he have? A I cant tell you how much he had.
Q They are your children and his? A Yes sir.
Q Do you know through which parent your husband George William Bushon claimed his Choctaw blood? A Yes sir.
Q Through his father or mother? A Through his father; no through his mother.
Q What was his mother's name? A Nancy Parker.
Q Is that her maiden name or married name? A Nancy Bushon was her married name.
Q What was her husband's name? A Martin Bushon.
Q Do you know whether she claimed through her father or mother? A Through her father I think.
Q Do you know his name? A Joe Parker I think.
Q Is that as far back as you go in the ancestry of these children? A Yes sir.
Q You dont know the name of Joe Parker's father or mother? A No sir.
Q Did he live in Mississippi in 1830? A Yes sir; he died there.
Q What relation was Joe Parker to these children?

- A Their great grand father.
- Q How much Choctaw blood did he have? A These children? I cant tell you.
- Q How much Choctaw blood did Joe Parker have? A I dont know; I cant tell you.
- Q Did Joe Parker live in Mississippi in 1830 and have a family of children there then? A Yes sir.
- Q In other words was he the head of a family there then?
- A Yes sir I think so.
- Q How old would the father of these children George William Bushen be if living now? A Why he would be fifty two years old; fifty three.
- Q Did he live in Mississippi? A Yes sir; he was born in Mississippi.
- Q Do you know whether the great grandfather of these three minor children lived in Mississippi in 1830 and owned or claimed any land under article fourteen of the treaty of 1830? A No sir; I cant tell you.
- Q Did you ever hear that there was any talk in the family about Joe Parker or any other ancestor of these children owning land or living upon land in Mississippi in the old Choctaw Nation for five years which land they had received from the government under article fourteen and at the end of that five years that they received a patent or deed for that land from the government? A I dont remember; I cant say.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A I dont know.
- Q Did any of the Choctaw ancestors of these children go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I cant tell you anything about it at all.
- Q Did any of their ancestors go from that old Choctaw Nation at any time to the Choctaw Nation Indian Territory previous to this application made by you for them? A I cant say.
- Q Do you know whether the great grandfather of these children Joe Parker or any other ancestor of their having Choctaw blood spoke the Choctaw language or had a Choctaw Indian name? A No sir I dont know.
- Q How old is Minda May Bushen? A She's thirteen years old.
- Q How old is Ada M. Bushen? A She's ten.
- Q How old is Viola? A Six.
- Q You dont know how much Choctaw blood their father had?
- A No sir.
- Q Then you dont know how much they have? A No sir; he had a good deal I know because I been used to Indians ever since I was twelve years of age.
- Q You cant tell how much Joe Parker their great grandfather had? A No sir. Only I hear their grandmother say that he was an Indian.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians after the treaty of 1830 was ratified if they wanted to take advantage of article fourteen of the treaty of 1830 were required to go to the United States Indian agent Colonel William Ward within six months after the ratification of that treaty and tell him that they wanted to stay in Mississippi take land and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register

and because of his neglect to do this a great many of the Indians who had land in the old Choctaw nation upon which they had improvements had both their land and their improvements taken from them by the government and sold at its public land sales; this caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3 of that year and in 1842 by an act approved August 23 of that year commissions were appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of the Choctaw ancestors of these children went before either of these two commissions and claimed any rights or benefits or privileges under article fourteen of that treaty? A No sir I dont know that they ever did.
- Q Did any of the ancestors of these children receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A Not that I know of. I cant tell you.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and who also further proved that they had formerly had land in the old Choctaw Nation which the government had taken from them and sold.

- Q Do these children understand or speak the Choctaw language?
A No sir.
- Q Are these the children here? A Yes sir.

Minda May Bushon who appears before the Commission with her two smaller sisters, has gray eyes, light hair, medium fair complexion; Ada May Bushon has black eyes, dark brown hair and darker complexion than her sister Minda. Viola has black hair, medium fair complexion and light brown hair but darker than her older sister Minda.

- Q Do these children speak the Choctaw language? any of them?
A No sir.

These children have no knowledge of the Choctaw language and no knowledge of compliance on the part of their ancestors with any of the provisions of article fourteen of the treaty of 1830 as shown by the testimony given heretofore by their mother Liza Bushon. This applicant appears before the Commission without an attorney; she is allowed thirty days from the date hereof in which to introduce other testimony in support of the application she makes for these children.

- Q Have any of the relatives or kin folks of these children been before the Commission to be identified as Mississippi Choctaws? A No sir.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five C

Liza Hushon 4

Civilized Tribes she reported in full all proceedings had
in the above entitled cause on the 8th day of November 1902
and that the above and foregoing is a full true and correct
transcript of her stenographic notes of said proceedings on
said date.

Caravatchell Wood

Subscribed and sworn to before me this 18th day of November
1902.

Charles H. H. H.
Notary Public

14 11
COPY.

SA
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the Identification
of Linda May Bushen, et al., as Mississippi Choctaws, N G R 6571.

---: D E C I S I O N :---

It appears from the record herein that an application for
identification as Mississippi Choctaws was made to this Commission
by Lisa Bushen for her three minor children, Linda May, Ada Mar-
celle and Viola Snow Bushen, under the following provision of the
act of Congress approved June 26, 1898, (30 Stats., 494):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights in
the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants

of Joe Parker, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joe Parker, or ancestors long remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857, (15 Stats., 109) and August 15, 1842, (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Linda Ray Dushon, Ada Marcelles Dushon and Viola Snow Dushon as Choctaw

Indians entitled to rights in the Chester lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

Jane Dixie

Acting Chairman.

T. B. Needles

Commissioner.

C. R. Breckinridge

Commissioner.

Waskagee, Indian Territory.

FEB 8 1903

COPY.

M.C.R. 6371.

Muskogee, Indian Territory, February 3, 1903.

Mrs. Bushong,

Dixie, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Minda May Bushon, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Minda May Bushon, Ada Warvellee Bushon, and Viola Bushon, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

M. M. B. No. 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Pixby.

Acting Chairman.

Registered.

COPY.

M.C.R. 6371.

Muskogee, Indian Territory, February 3, 1903.

Manaffield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Minda May Bushon, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Minda May Bushon, Ada Margellie Bushon, and Viola Bushon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date thereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 19, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith, the record in the case of Minda May Bushon, et al., applicants to the Commission for identification as Mississippi Choctaw, including the decision of the Commission of February 3, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

James Bixby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 Inclosures: M.C.N. 3371

M C R 6371

Muskogee, Indian Territory, June 1, 1903.

Lisa Bushon,

Bixie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th ultimo, relative to the decision of the Commission refusing the application made by you for the identification of your three minor children, Minda May, Ada M. and Viola S. Bushon, as Mississippi Choctaws.

In reply you are informed that the fifteen days from February 3, 1903, heretofore granted in this case, expired on February 18, 1903. On February 19, 1903, the record in said case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly advised of such action as may be taken by him.

Respectfully,

Commissioner in Charge.

(COPY)

Land
12001-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON, June 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated February 19, 1903, relative to the record of the application of Lisa-Dashon who applies for the identification of herself and her minor children Minda May, Ada Marcelle and Viola Snow Dashon as Mississippi Choctaws.

February 3, 1903, the Commission held that the applicants were not entitled to identification.

The applicants claim the right to identification by reason of descent from Joe Parker and Nancy Parker Nece Dashon.

The records of this office do not show that Joseph Parker or Nancy Parker Nece Dashon complied or attempted to comply with the 14th article of the treaty of 1830 or with the acts of March 3, 1837 and August 21, 1842.

The approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

(Signed)

A. C. TOLSON

Acting Commissioner.

O.A.W.(B)

(COPY)

DEPARTMENT OF THE INTERIOR,
Washington.

V C F
HAF.

ITD.4916-1903.
L.R.S.

June 16, 1903.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

February 19, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Lisa Bushen for her minor children, Minda May, Ada Marshall and Viola Snow Bushen, in eluding your decision of February 3, 1903, refusing the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of Joe Parker, through his daughter, Nancy Bushen (nee Parker), through her son George William Bushen, father of the minor applicants, it being alleged that said ancestors were possessed of some Choctaw Indian blood, degree unknown, and that Joe Parker was the head of a family in Mississippi in 1830.

Neither the evidence submitted in this case nor the records of the Indian Office show that any one of the ancestors of the applicants complied or attempted to comply with article 14 of the treaty of 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23 1842 (5 Stat., 513).

Reporting June 5, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is hereby affirmed.

Respectfully,

E. A. Hitchcock,
Secretary.

1 inclosure.

M C R 6571

COPY.

Muskogee, Indian Territory, July 16, 1903.

Mansfield Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Minda May Bushen et al., of which decision you were advised by mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

M.C.R. 6371

Muskogee, Indian Territory, August 24, 1903.

Liza Bushon,

Dixie, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of August 13, relative to your claim and stating that you need help badly.

In reply to your letter you are advised that on February 8, 1903, the Commission rendered its decision refusing your application for the identification of your minor children as Mississippi Choctaws, of which action you were advised on the same day, and on June 16, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing said application. The Commission now considers this case closed.

Respectfully,

Commissioner in Charge

COPY.

Muskogee, Indian Territory, July 18, 1903.

Lina Bushon,

Dixie, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Linda May Bushon et al., of which decision you were advised by registered mail on the 3rd day of February 1903.

Respectfully,

(SIGNED)

T. B. Neelies.
Commissioner in Charge.

MGR 4371

Muskogee, Indian Territory, January 30, 1903.

Wilkinson & Adaire,
Attorneys at Law,
Comanche, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, requesting to be advised of the status of the application made by Liza Bushon for the identification of her three minor children, Minda May, Ada M. and Viola S. Bushon, as Mississippi Choctaws.

The Commission to the Five Civilized Tribes rendered a decision on February 3, 1903, refusing the application for the identification as Mississippi Choctaws of the above named children, and this decision was affirmed by the Secretary of the Interior on June 16, 1903.

This office considers the case in question closed, and it is not believed that the applicants therein are entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

No. 6371

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 8 1902

Name *Liza Bushon (white)*
for 3 minor children

Age 43

Blood *white*

Post Office, *Vixie, I. T.* -

Father: *George W. Bushon (d)*

Mother: *Liza Bushon (w) l*
children
Claim through *father* -

Children:

Minda May Bushon 13

Ada M. " 10

Viola S. Bushon 6

Mother claims for
3 minors.

FOR IDENTIFICATION AS

A MISSILE APPROPRIATE

Rinda May Bushon et

DECISION RENDERED FEB - 2 1965

Choctaw MCR 6372

Mattie Keys

MCR 6372

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary Keys, et al.,
for Identification as Mississippi Choctaws, M.C.R. 6372.

List of papers forwarded to the Secretary of the
Interior, comprising the record in the case of Mary
Keys, et al., M. C. R. 6372.

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Decision of the Commission, refusing the application of Mary Keys, et al., for identification as Missis- sippi Choctaws.....	6

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 8, 1902.

In the matter of the application of Mattie Keys for the identification of herself and her minor child Albert Floyd Ellis as Mississippi Choctaws.

Mattie Keys being first duly sworn testified as follows :

Examination by the Commission:

- Q What is your name? A Mattie Keys.
Q What is your age? A Forty.
Q What is your post office address? A Dixie Indian Territory.
Q How long have you lived in the Indian Territory? A I been here thirteen years.
Q Where were you born? A In Missouri.
Q Where in Missouri? A St. Clair County.
Q From Missouri you went where? A To the Indian Territory.
Q And have you lived here since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir my mother died when I was three years old.
Q What was your father's name? A Woody; James C. Woody.
Q What was your mother's name? A Elizabeth Howell.
Q When she died her name was Woody? A Yes sir.
Q Do you claim through father or mother? A Mother.
Q How much Choctaw blood do you claim? A One third I reckon.
Q My great grandmother was a full blood I've been taught by my father.
Q You say you claim one third? A Yes.
Q Was your mother ever recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A I don't think my mother was.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes my last husband is; I've been married twice.
Q What was your father's husband's name? A William Ellis.
Q Was he a white man? A Yes sir.
Q How long has he been dead? A He died when my boy was just a baby.
Q What is your present husband's name? A Carter Keys.
Q He's living? A Yes.
Q Is he a white man? A Yes sir.
Q Do you make any claim for him? A No sir; none but myself and boy.
Q What's your boy's name? A Albert Floyd Ellis.
Q Was William Ellis your first husband the father of this boy?
A Yes sir.
Q How old is the boy? A Nineteen.
Q He claims his Choctaw blood through you doesn't he? A Yes sir.
Q Is this the only child you have? A Yes sir.
Q You claim for yourself and this boy? A Yes sir.
Q Is this boy living with you at your home at the present time? A No sir; he's away from home; his step father went

let him stay at home but his clothes are there; I do his washing.

Q He has no other home? A No sir.

Q Is his name or your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir I don't think they are. My great grandmother's name was on the roll.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and this boy? A No sir.

Q Have you ever made any such application for citizenship for yourself and this boy to the Dawes Commission under act of Congress of June 10, 1896? A No sir.

Q Have you or this son of yours ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Do you now come before the Commission to identify yourself and him as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A No sir; I don't know as I understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; the object of that treaty was to remove as far as possible all the Choctaw Indians who lived in the old Choctaw Nation from that old Choctaw Nation to the Choctaw Nation Indian Territory; before the treaty was signed it was known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interest of those Indians who preferred to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; it reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parents; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A I think my grandmother did.

Q Your grandmother - what was her name? A Mary Hall.

Q Is that her maiden name? A That was my mother's mother's name - Mary Hall.

name - Mary Hall.

Q Was that her married or maiden name? A I dont know her maiden name.

Q Whom did she marry? A Jacky Hall.

Q Was Jacky Hall a Choctaw Indian? A No sir.

Q How much Choctaw Indian blood did Mary have? A She was a half breed I suppose; she looked like it to me.

Q Did you know her personally? A Yes; I lived with my grandmother.

Q Now tell me how she looked; did she have curly hair?

A No sir; she didn't have curly hair; she had long black straight hoarse hair.

Q Her eyes were blue? A She had black eyes and black hair.

Q Did she speak the Choctaw language? A She could talk some Choctaw.

Q Did she speak Choctaw? A Yes sir.

Q Now how do you know she could talk Choctaw? A I've heard her.

Q You dont understand the language? A I know I dont understand it but she would explain it to me.

Q Wasnt that the Chickasaw language she was talking? A She said it was Choctaw.

Q Did she have a Choctaw Indian name? A Well I dont know

what her maiden name was; I was small and I dont recollect.

Q This was your mother's mother? A Yes sir; I dont recollect what her maiden name was.

Q Did she live in Mississippi or Alabama or either?

A She came from Mississippi.

Q Did she live in Mississippi in 1830? A I dont know; I've heard them talk about it but I forget.

Q Do you know whether she or any Choctaw ancestor of yours lived in Mississippi in 1830 and had a family there then?

A No sir I dont know.

Q Did she or any Choctaw ancestor of yours live on land in Mississippi which they got from the government for five years after the ratification of the treaty of 1830 and at the end of that time get a patent or deed to that land from the government? A I dont know.

Q Do you know whether they claimed any land at all or had any land in the old Choctaw Nation under article fourteen?

A They owned land.

Q You dont know where they got it? A No sir.

Q Whether from the government or whether they bought it?

A No sir I dont.

Q Did any of them own improvements on land in the old Choctaw Nation in 1830? A I dont know.

Q Did any of them come from that old Choctaw nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty?

A I dont know whether they come with them or not; they come to the Choctaw Nation.

Q Do you know when? A No sir.

Q Did any of your ancestors from whom you are lineally descended come to the Choctaw Nation Indian Territory from that old nation? A None but my grandmother that I know of.

Q Your grandmother was -? A My mother's mother was Mary Hall.

Q Did she come to the Indian Territory? A Yes sir and moved to Texas from the Indian Territory and died in Texas.

Q When did she go? A She went after my mother died; she went there, to take care of her children.

Q Tell me about when it was? A I cant tell you.

- Q How long did she live in Texas before she died? A She didn't live there very long.
- Q How long? A Three or four years; I don't know how long.
- Q The last three or four years of her life Mary Hall lived in Texas and died there? A Yes sir.
- Q How old would she be if living now? A She would be about a hundred years old; maybe a little over; she was eighty two when she died.
- Q And she died how long ago? A She died twenty two years ago.
- Q So you think she had a family in Mississippi in 1830 do you? A I don't know whether she had a family then or not.

The Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian Agent Colonel Ward, within six months from the ratification of the treaty of 1830 and register under article fourteen; a good many Indians did this or attempted to whose names Colonel Ward neglected to put upon his list known as Ward's registry; because of his neglect to make a proper register of those applicants under article fourteen a good many Indians who lived in Mississippi and had land there and in Alabama in the old Choctaw Nation had both their land and improvements upon that land taken from them and sold by the government at its public land sales; this caused a great deal of feeling among the Choctaw Indians, and because of the action of the government and the feeling they had in Mississippi on account of having lost their land in this way they made complaint to Congress and in 1837 as well as in 1842 Congress appointed two commissions; the first commission was appointed under act of Congress approved March 3, 1837 the year 1837 and the other Commission was appointed under act of Congress approved August 23 1842; these two commissions went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Do you know whether any of your Choctaw ancestors went before either of these two commissions and claimed any benefits as Choctaw Indians under article fourteen of that treaty?
- A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama or Kansas or Louisiana? A I don't know.
- Q Do you know what I mean by this scrip? A No sir.
- Q I don't mean money; I mean a document; a legal document that was issued by the government to Indians who proved their rights under article fourteen of the treaty of 1830 to the satisfaction of the commission that was appointed under act of Congress approved August 23 1842 and also proved that their land had been taken from them in the old Choctaw Nation and sold.
- Q You never heard that any of your ancestors ever got any such scrip? A No sir.
- Q Do you speak or understand the Choctaw language yourself?
- A No sir.
- Q Is there anything more you want to say now in support of this claim? A Well I tell you I haven't got any proof; all I know is that I've heard my father and grand mother say when I was a child; all my people are dead; none but myself left that I know anything about.

Mattie Keys 5

Q You have no attorney? A No sir.

Q You never have been advised as to what you ought to do to prove your rights here? A No sir.

Well the Commission will give you thirty days time in which to introduce other testimony in support of this application if you wish to do so and will advise you that it will be necessary to show that you had a Choctaw ancestor who lived in Mississippi in 1830 or in Alabama in the old Choctaw Nation; that that ancestor lived there at that time, was the head of a family and complied or attempted to comply with article fourteen of the treaty of 1830; that is, that that ancestor went before Colonel Ward and attempted to register under article fourteen of the treaty of 1830; now if you can show that you have a Choctaw ancestor who lived in Mississippi in 1830 and who afterwards received land from the government under article fourteen and lived upon it for five years and that at the end of that time received a patent to that land from the government, that will be a material point for you to show in this case.

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This applicant has the appearance and physical characteristics of being descended from white parentage; has black hair, gray eyes, medium dark complexion, has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of November 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 14th day of November 1902.

Chas. H. Harrison

Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mattie Keys, et al.,
for identification as Mississippi Choctaws, H.C.R. 2372.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mattie Keys for herself and her minor child, Albert Floyd Ellis, under the following provision of the Act of Congress approved June 22, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September seventh, eighteen hundred and thirty, and to report to the Secretary of the Interior, and to the Commissioner of the General Land Office, the names of such Choctaw Indians, and to make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September seventh, eighteen hundred and thirty, by reason of being descendants of Mary Hall, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 381).

It does not appear from the testimony and evidence submitted in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Hall, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180) and August 22, 1848 (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Keys, and Albert Floyd Ellis as Cheetaw Indians entitled to rights

in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 5 1903

Muskogee, Indian Territory, December 4, 1902.

Mattie Keys,

Dixie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th ultimo, in which you ask if you can hold the place which you now occupy, that a white man has bought the improvements and has a native holding it for him.

In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor child as Mississippi Choctaws. No opinion or decision has yet been reached in your case.

As soon as a decision is rendered, you will be duly notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior for review.

Relative to your right to hold land in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission to the Five Civilized Tribes as Mississippi Choctaws entitled to allotment, and that you are not at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

COPY

M.C.R. 6372.

Muskogee, Indian Territory, February 6, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mattie Keys, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Keys, and Albert Floyd Ellis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Dixby.
Acting Chairman.

COPY.

M.C.R. 6372.

Muskogee, Indian Territory, February 5, 1903.

Mattie Keys,

Dixie, Indian Territory.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Mattie Keys, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mattie Keys, and Albert Floyd Ellis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with

M. E. 42.

such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED)

James Bixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mattie Keys, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 5, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James Birby
Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures M.C.A. 3572

M C R 6372

Muskogee, Indian Territory, February 28, 1903.

Mattie Keys,

Dixie, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws. You ask for further time in which to submit additional evidence.

In reply to your letter you are informed that the fifteen days from February 8, 1903, heretofore granted you within which to file arguments in support of your application to be forwarded to the Secretary of the Interior, expired on February 20, 1903. On February 21, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

(COPY)

Land
13438-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

March 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes, in the matter of the application of Mattie Keys for herself and her minor child, Albert Floyd Ellis, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on February 3, 1903.

It appears from the record that the applicants claim rights under the 14th article of the treaty of 1830, by reason of their descent from Mary Hall, grandmother of the principal applicant. It is alleged that the great grandmother of the principal applicant was a full blood, but the applicant is unable to give the name of that ancestor, nor the maiden name of her grandmother.

The Commission bases its decision rejecting these applicants on the ground that its records fail to show that Mary Hall or an ancestor less remote ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

-2-

The name of Mary Hall is not found in the records of this office containing a list of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and it is accordingly recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

R.B.F.(8)

(COPY)

D C 8423-1903.

DEPARTMENT OF THE INTERIOR.

I.T.D.2636-1903.

Washington.

WHR.

L.R.S.

March 23, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 21, 1903, you transmitted the record in the matter of the application of Mattie Keys, for the identification of herself and her minor child, Albert Floyd Ellis (M.C.R.6372), as Mississippi Choctaws, including your decision of February 5, 1903, refusing to identify them as such.

The principal applicant, Mattie Keys, is the daughter of James C. and Elizabeth Howell Woody. Descent is claimed through her mother, said Elizabeth Howell Woody, to her grandmother, Mary Hall, whose maiden name is not known to applicant.

From an examination of the records it does not appear that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Elizabeth Howell Woody or Mary Hall, or a less remote ancestor, complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

-2-

Reporting in the matter March 7, 1903, the Acting Commissioner of Indian Affairs stated:

The name of Mary Hall is not found in the records of this office containing a list of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and it is accordingly recommended that the decision of the Commission rejecting the applicants be approved.

The Department is of the opinion that the applicants have failed to establish their rights to identification as Mississippi Chetaws, and in accordance with the recommendation of the Acting Commissioner, a copy of whose report is inclosed, your decision adverse to the applicants is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M C R 6372

COPY:

Muskogee, Indian Territory, March 31, 1903.

Mattie Keys,

Dixie, Indian Territory.

Dear Madam:

You are hereby notified that on the 23rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mattie Keys, et al., of which decision you were advised by registered mail on the 8th day of February, 1903.

Respectfully,

(SIGNED)

Tams Birby

Chairman.

COPY;

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 23rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mattie Keys, et al., of which decision you were advised by mail on the 5th day of February, 1903.

Respectfully,

(SIGNED)

Tams Birby

Chairman.

MCR-6372

Muskogee, Indian Territory, March 27, 1907.

Mrs. Mattie Keys,

Hunton, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 1, 1907, by reference from the Secretary of the Interior. Therein you ask relative to the application for the identification of yourself and child as Mississippi Choctaws.

In reply you are advised that the Secretary of the Interior on March 23, 1903, affirmed the decision of the Commission to the Five Civilized Tribes of February 5, 1907, refusing the application made for the identification of yourself and minor child as Mississippi Choctaws. This case is considered closed.

Your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

"Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

Acting Commissioner.

No. 6372

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 8 1902

Name *Mattie Keys*

Age *40* - Blood *1/3*

Post Office, *Vixie, I. T.*

Father: *James C. Woody* d.

Mother: *Elizabeth* " d.

Claims through *mother*

Husband (1)
William Ellis (d) -

Husband (2)
Carter Keys, l. w.
no claim for husband

Children:

Albert F. Ellis, - 19-

*Claims for self &
own boy*

Stenographer *Anna Mitchell Wood*

Mattie Lays et al

REFUSED

DECISION RENDERED. FEB -5 1903

NOTICE OF DECISION MAILED APPLICANT. FEB 5 1903

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. FEB 15 1903

BOARD FORWARDED DEPARTMENT. FEB 21 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 23 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAR 31 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT. MAR 31 1903

Choctaw MCR 6373

Lawrence L. Thompson

MCR 6373

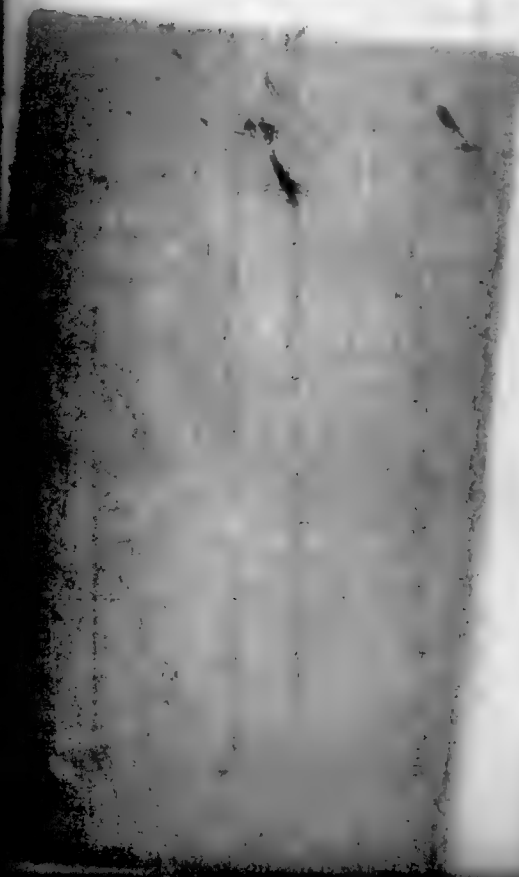
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 24 1902



ACTING CHAIRMAN.



State of Arkansas.

County of Jefferson.

I, E. B. Bloom County Clerk within and for the Count
and State aforesaid do hereby certify that L. L. Thompson, was married
to Miss Cornelia E. Scull on the 10th, day of December, 1885, by Rev.
I. O. Adams at Pine Bluff, Arkansas, and that their certificate of
marriage is duly recorded in this Office in Book "E" at page 76 of the
records of Marriages.

In Testimony Whereof, I have hereunto set my hand as such
Clerk and affixed the seal of said Court at office in Pine Bluff, Ark,
this 12th, day of November, 1902.

E. B. Bloom
Clerk

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegon, I. T., November 12, 1902.

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In the matter of the application of Lawrence L. Thompson for the identification of himself and his four minor children, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Eliza Beth Thompson and Willie Thompson, as Mississippi Choctaws.

J. S. Halls, attorney for applicant.

Lawrence L. Thompson, being first duly sworn, testified as

Examination by the Commission.

Q What is your name? A Lawrence L. Thompson.
Q What is your age? A My age is forty-two sir.
Q What is your post office address? A Pine Bluff, Arkansas.
Q How long have you lived in Pine Bluff? A Twenty years.
Q Where did you live before that? A I lived thirty miles below there four years and in Tennessee before that.
Q You were born in Tennessee? A No, Mississippi.
Q Where in Mississippi? A Close to Aberdeen.
Q And you went to Tennessee? A Yes sir, and lived there until '98 and moved to Glen's Landing on the Arkansas River.
Q Is your father living? A No sir, he's dead.
Q Mother living? A Mother's dead.
Q Through which parent do you claim Choctaw blood? A My father.
Q What was his name? A James M. Thompson.
Q What was your mother's name? A My mother's name was Martha Jane Orr.
Q That was her maiden name? A That was her maiden name.
Q How much Choctaw blood do you claim? A Well I suppose about a sixteenth.
Q You claim your father was one-eighth? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in Indian Territory?
Q Not that I know of.
Q What is your wife's name? A My wife is dead. Her name was Cornelia Elizabeth Thompson, she's dead.
Q Did she have any Choctaw blood? A No sir.

Q You haven't married since? A No sir, I am a widower.
Q Have you any children by this wife? A They are all by this wife.
Q Give me the name of the eldest one? A Mildred Nell Thompson.
Q How old is she? A Sixteen years old.
Q The name of the next? A Lawrence L. Thompson, Jr.
Q How old is Lawrence? A Thirteen.
Q The next? A Cornelia Elizabeth, same as the mother, Cornelia E., she's eleven years old.
Q The next? A Willie Thompson.
Q Boy? A Yes sir.
Q That's not a girl? A First is a girl, next a boy, next a girl and next a boy.
Q How old is Willie? A Seven.
Q You claim for yourself and children? A Yes sir.
Q Was your wife Cornelia the mother of these children? A Yes sir.
Q When and where were you married to her? A Pine Bluff, Arkansas.
Q Do you remember the exact day of the month and year? A December 10, 1885.
Q By a minister under a license? A By a minister, an Episcopal preacher by the name of I. O. Adams.
Q Have you the proof of that marriage with you now? A No sir, I can send it to you.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
A Why we are descendants of Mississippi Choctaws.
Q The question is, is your name on the roll? A No sir.
Q Have you ever made application for yourself and minor children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A I have not.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1907? A I have not.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Have not.
Q Is this the first application for enrollment or citizenship in the Choctaw Nation that you have ever made for yourself and children to the Choctaw tribal authorities or to any other authorities? A Yes sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A I do.
Q Do you claim your rights under article fourteen of the treaty of 1830? A I do.
Q Do you understand that article? A I do I think.
Q Would you like to have it further explained to you? A I have read it two or three times.
Q You think you understand it well enough to not need explanation? A Yes sir.

#3.

By the Commission to applicant:

The article itself, without the explanation, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a person who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A She was a Brashear before she married Flem Thompson--Keniah Thompson, nee Brashear.
- Q And her husband's name was what? A Flem.
- Q What? A Fleming.
- Q How much Choctaw blood did she have? A Either a half or a quarter; I don't know.
- Q Do you know whether she lived in the state of Mississippi in 1830 or in Alabama or either? A I couldn't tell you of my own knowledge.
- Q Well, did you ever hear from any member of the family or from anybody who was supposed to have known? A No sir, I don't remember; I think though Mississippi; I wouldn't be positive.
- Q Do you know whether she lived there when the treaty of 1830 was made and was the head of a family there then? A I think she did.
- Q Do you know, if living there at that time she complied or attempted to comply with the fourteenth article of the treaty of 1830? A I understand so.
- Q What did she do to show compliance or attempted compliance on her part with that article? A She made an attempt to get the property that belonged to her in as far as I can tell you.
- Q Did you ever hear of Colonel William Ward the United States Indian Agent? A I have heard of him, yes sir.
- Q Do you know whether she went before him within six months after the ratification of the treaty of 1830 and told him that she wanted to stay in Mississippi, take land there and become a citizen of the states? A I don't know.

- Q Did she have any land or lay any claim to land in Mississippi in the old Choctaw Nation under article fourteen of the treaty?
- A I don't know.
- Q Do you know whether she lived on land in Mississippi for five years, which land she had obtained from the government under article fourteen, and at the end of that time received a patent to it from the government? A No sir, I don't know.
- Q Did she at any time go with the other Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between the years 1833 and 1838 or '40?
- A Not that I know of.
- Q Don't know whether she or any of your Choctaw ancestors went from that old Nation to the Choctaw Nation, Indian Territory at any time? A I do not.
- Q Are you related to Scott S. Dumas? A His mother is my father's sister.
- Q He has made application to be identified as a Mississippi Choctaw hasn't he? A Yes sir, I think he has; I don't know; I think he has.
- Q Do you want to have this application of yours consolidated with his and other applicants who claim through the same common ancestor? A I do.

The case of Scott S. Dumas, et al., M C R 4006, is here referred to for the purpose of consolidation of this case with the consolidated case of Scott S. Dumas, et al.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified we required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the state. In other words, they were required to register under article fourteen of that treaty of 1830. A great many Choctaw Indians did this whose names Colonel Ward, the United States Indian Agent, neglected to put upon his list known as Ward's Register. His neglect to make a proper registration of the names of those Choctaw Indians who did comply or attempted to comply with article fourteen of that treaty, caused a good many Indians who had land in Mississippi upon which they had improvements, to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act of Congress approved August 25th of that year, another Commission was appointed for the same purpose, and this Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians?
- A Well, really I couldn't tell you.

Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A If they did I don't know.

This scrip was issued under the act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their right under article fourteen and also proved that their land had been taken from them in the old Choctaw Nation.

Q Mr. Thompson do you speak Choctaw or understand the language?
A No sir.

Applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, brown mustache, florid complexion, blue eyes; has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 10th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 11th day of November, 1902.

Charles H. McMillan

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 6373.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Lawrence L. Thompson,
Pine Bluff, Arkansas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5787
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Maie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4438
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4128
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4120
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4130
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4683
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5718
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emile M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 8414
Winnie D. Canon,	M. C. R. 8415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6378

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Herbert Palmer, Maud Terry, Moma Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Jamie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Chairman.

Registered.

MCH-6373

COPY.

Muskogee, Indian Territory, January 22, 1906.

Lawrence L. Thompson,

Pine Bluff, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 22, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor children, Mildred B., Lawrence L., Jr., Cornelia S. and Willie Thompson, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

Commissioner.

No.

6375

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 10 1902

Name Laurence L. Thompson

Age 42 - Blood 1/16

Post Office. Pine Bluff, Ark.

Father: James M. Thompson d

Mother: Martha J. " d

Claims through father 1/8

Wife, Cornelia E. Thompson

Canot (dead, -)

Children:

Mildred B. Thompson, 16

Laurence L. " Jr. 13

Cornelia E. " "

Willie " 7

Claims for self &
children

Stenographer A. S. McMillan

LIBRARY
Lawrence L. Thompson

AC R

FORM

AN

REFER TO M O R 4006

Choctaw MCR 6374

Graves G. Brookshier

MCR 6374

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 12, 1902.

In the matter of the application of Graves Brookshier for the identification of himself and his five minor children, Vernon, Wila Belle, Ovid Warner, Willie Graves and Octavanes Brookshier as Mississippi Choctaws.

J. O. Pool, (not present) Attorney for applicant.

Graves Brookshier being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Graves G. Brookshier.
Q What is your age? A My age is thirty three years.
Q What is your post office address? A My post office address is Fisher,, Fisher County Texas.
Q How long have you lived in Fisher. A I lived in Fisher County fifteen years.
Q Where did you live before that? A I lived in Ellis County Texas.
Q Where were you born? A I was born in Tennessee.
Q What place in Tennessee? A I was borned in Montgomery County as well as I recollect.
Q From Tennessee you went where? A From Tennessee I went to Texas.
Q And have lived in Texas since? A Yes sir.
Q Is your father living? A No sir my father's dead.
Q Is your mother living? A No sir she's dead.
Q What was your father's name? A My father name was Graves Brookshier the same name I have.
Q What was your mother's name? A My mother's name was Sarah.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A Well sir I claim about one eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir not to my knowing.
Q When and where were your father and mother married? A I do not know, I'm the youngest child and they both died when I was an infant.
Q You dont remember the date or the place? A No sir I do not know where they were married.
Q Do you know whether they were married under a license by a minister? A I think they was married either by a minister or justice of the peace; I dont know which.
Q Have you the proof of that marriage with you now? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Wila Belle Brookshier.
Q Is she living now? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A She's a white woman.
Q Do you make any claim for her? A No sir.
Q You have children under twenty one years of age and unmarried you want to make application for? A Yes sir.
Q Give me the name of the oldest. A Vernon Brookshier.
Q How old is Vernon? A Ten years old.

- Q The next? A Ula Belle.
- Q How old is Ula Belle? A Ula Belle is eight.
- Q The name of the next? A The name of the next is Ovid Warner.
- Q How old is Ovid? A Ovid is six.
- Q What is the name of the next child? A The name of the next child is Willie Graves.
- Q Is that a boy? A Yes sir.
- Q How old is Willie? A Willie's four years of age.
- Q The name of the next child? A Octavanes.
- Q How old is that child? A Two years old, she isn't quite two.
- Q Is that all? A Yes sir.
- Q Is Octavanes a boy or girl? A Girl.
- Q Is Nicy the mother of these children? A Yes sir.
- Q Are these children living with you and your wife Nicy at your home? A Yes sir; they was living when I left home.
- Q Were either you or your wife ever married before you married each other? A No sir.
- Q When and where were you married to your wife Nicy? A In Nolan County Texas.
- Q What date? A I was married the 11th of October.
- Q Last year? A No sir 1891.
- Q Were you married by a minister under a license? A Yes sir.
- Q Have you the proof of that marriage with you now? A No sir I haven't.
- Q Is your name or the name of any of your minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Well my children have part of my name.
- Q Yes but are you enrolled with your children; are you on the tribal rolls? A Yes sir.
- Q Then what are you here for today? A Q, no sir.
- Q Do you understand the question now? A Yes sir I understand the question.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under any particular treaty; under what law do you make this claim? A Well sir, I don't understand the law.
- Q Did you ever hear of article fourteen of the treaty of 1830? A Yes sir.
- Q Do you claim under that article? A Yes sir.
- Q Do you understand it? Or do you want it explained to you? A I would like to have it explained, Judge.
- Q A treaty is a compact or agreement in writing made between two or more nations; an article in a treaty is one of its sections or subdivisions; in 1830 on the 29th day of September of that year, a treaty was made between the United States government and the Choctaw tribe of Indians at a place

called Dancing Rabbit Creek; the object of this treaty was to affect the removal as far as practicable of all the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river from that old Nation to the Choctaw Nation Indian Territory; before this treaty was signed it became known to all the parties interested that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty; in order therefore to protect the interests of those Indians who in fact did remain in the old Choctaw Nation, what is called article fourteen was inserted into the treaty of 1830; the treaty was then signed with article fourteen as part of it; and later on was ratified; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A Yes sir.
- Q Give me the name of your ancestor who did so; through whom you claim your right to be identified as a Mississippi Choctaw? A James Brookshier my grandfather.
- Q How much Choctaw blood did he have? A Well sir; I cant tell exactly but I think about a half or a quarter; I dont know exactly.
- Q You cant tell whether a half or a quarter? A No sir; I cant answer that question.
- Q Give me the name of his wife? A I cant give you the name of his wife. That is, her given name; he married a Graves. I dont know her given name.
- Q Do you know whether they had a daughter by the name of Emeline? A Yes sir they did.
- Q Whom did Emeline marry? A Emeline first married - I cant think of his name.
- Q Would you know the name if it was suggested to you? A Berry.
- Q Do you know his full name? A No sir.
- Q Was it Martin H. ? A I dont know.
- Q What was the name of her second husband? A Conn.
- Q Do you know the names of their children? A No sir I dont.
- Q You claim through your father Graves Brookshier do you? A Yes sir.
- Q And he claimed through James Brookshier his father? A Yes sir.
- Q So that you claim through your grandfather. A Yes sir.
- Q What relation was Emeline Berry, who afterwards married Conn to you? A My aunt.

- Q She has been before this Commission has she? A I suppose so; yes sir.
- Q Who is Sarah F. Babb? A Emeline's daughter.
- Q Emeline Conn didn't make application. A She's been before this court.
- Q Is a witness? A I suppose so.
- Q The records show she made no application for herself; but her daughter Sarah F. Babb did. A Yes sir.
- Q Do you want to have your case consolidated with the case of Sarah F. Babb et al who claim through the same common ancestor? A Yes sir.

The case of Sarah F. Babb M.C.R. 6356 is here referred to for the purpose of consolidation.

- Q Do you know whether your grandfather James Brookshier at any time lived in the state of Mississippi or Alabama?
- A He lived in the state of Mississippi.
- Q Did he live there seventy two years ago when the treaty of 1830 was made? A I cant say how long ago; its been a long time.
- Q You dont know whether he lived there at that time and was the head of a family there then? A No sir; I cant say.
- Q Do you know whether he within six months after the ratification of the treaty of 1830 went to the United States Indian agent Colonel Ward who had an agency and an office in Mississippi and told him that he wanted to stay in Mississippi take land there and become a citizen of the states; did you ever hear that? A I dont know; I dont know anything about it.
- Q Did James Brookshier or any other Choctaw ancestor of yours live in Mississippi for five years upon land which he or they had received from the government under article fourteen of the treaty of 1830 and at the end of that time receive a patent to it from the government? A I dont know if they did.
- Q Do you know whether he or any of your Choctaw ancestors claimed or had any land in Mississippi in the old Choctaw Nation under article fourteen of that treaty? A No sir I dont.
- Q Did any of your Choctaw ancestors between the years 1833 and 1839 or forty go from that old Choctaw Nation east of the Mississippi river to the Choctaw nation Indian Territory with the other Indians? A No sir if they did I dont know it.
- Q Did you ever hear that any of your Choctaw ancestors removed from that old Choctaw Nation at any time and went to the Choctaw Nation Indian Territory previous to this application?
- A No sir.
- Q Did any of them own any improvements on land in Mississippi in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did James Brookshier have a Choctaw name; any other that you know besides this one of James Brookshier? A No sir I dont.
- Q Did he speak the Choctaw language? A I cant tell you.
- Q How old would he be if living now? A I cant tell you that.
- Q You claim for yourself one eighth Choctaw blood and for your children one sixteenth? A Yes sir.
- Q Your father, you claim was one fourth Choctaw Indian?
- A Yes sir.
- Q And James Brookshier one half or one fourth you are not sure?
- A I'm not sure.
- Q Did your father get all his Choctaw blood from his father?

A I'm not sure about that.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian agent Colonel Ward within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list which has been called Ward's register and because of his neglect to make a proper register of the names of those Choctaw Indians who tried to register under article fourteen a great many Indians who had land in the old Choctaw Nation upon which they had improvements had both their land and improvements taken from them by the government and sold at its public land sales; this caused a great many complaints among the Choctaw Indians so that in 1837 by an act of Congress approved March 3 of that year a commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another commission was appointed by Congress under act of Congress approved August 23 of that year; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that James Brooklier or any other Choctaw ancestor of yours went before either of those two commissions and claimed any rights under article fourteen of that treaty? A Yes sir I heard that he went before them to claim his rights.
- Q Before which Commission did you hear he went? A I can't say.
- Q Who told you he went before either? A Well, just heard it talked around among my connection is all.
- Q Don't you recollect the names of any persons who told you? A Well yes sir I can call the names of some; there's Essie Deel a sister.
- Q She has been before the Commission has she to be identified? A Yes sir.
- Q Any others? A Well I've heard several speak about it.
- Q You don't remember any other names? I've heard my aunt Emelia Conn speak about it.
- Q She has been before the Commission to be a witness has she not? A Yes sir.
- Q Your information then is family history and tradition is it? A That's all; family talk.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi Alabama Louisiana or Arkansas? A Not that I know of.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen and also proved that their land had been taken from them and sold by the government at its public land sales.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything more you want to say in support of this claim now? I would like to have time for additional testi-

- money; thirty days time.
- Q What other testimony do you think you could get besides what has been introduced in this case and the case which are consolidated with yours? A I don't know as we can get any but we want to if we can.
- Q You want thirty days time with the hope of introducing other testimony? A Yes sir.
- Q Mr. Pool is your attorney? A Yes sir.
- Q He makes a written request for this time does he not?
- A Yes sir.

On the request of J. O. Pool attorney for this applicant made by him in a written communication sent to the Commission on this date and also on this request of this applicant, thirty days time will be allowed from the date hereof in which to introduce other testimony in support of this application.

---Q---

This applicant has the appearance and physical characteristics of being descended from white parentage; has black hair and blue eyes; brown mustache; ruddy complexion; has no knowledge of the Choctaw language and knows nothing of compliance on the part of his ancestors with article fourteen of the treaty of 1830.

---Q---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 12th day of November 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 20th day of November 1902.

Charles H. Ketchum

Notary Public.

M C R 6374

COPY.

Muskogee, Indian Territory. April 5, 1904.

Graves G. Brookshier,
Fisher, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including yourself and children Vernon Brookshier, Ula Belle Brookshier, Ovid Warner Brookshier, Willie Graves Brookshier and Octavanes Brookshier.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

T. E. Woodford.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

COPY

Graves G. Brookshier,
Fisher, Texas,

Dear Sir:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for the identification as Mississippi Choctaws of yourself, Vernon Brookshier, Ula Beale Brookshier, Ovid Warner Brookshier, Willie Graves Brookshier and Octavanes Brookshier, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

Tamie Birby

Chairman.

MCR-6374

Muskogee, Indian Territory, October 20, 1906.

Graves G. Brookshier,
Fisher, Texas.

Dear Sir:-

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Chontaw case of Sarah E. Rabb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No. 6371

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date NOV 12 1902

Name *Gravy A. Brookshier*

Age 33 — Blood 1/8

Post Office, *Fisher, Texas.*

Father: *Graves Brookshier d.*

Mother: *Sarah .. d.*

Claims through *father —*

wife. ~~Am~~

Nicy B. Brookshier l. w.

No claim for wife —

Children:

Vernon Brookshier M 10

Ula Belle .. F 8

Ovid W. .. M 6

Willie G. .. M. 4

Octaviano .. F 2

*Claims for self
and 5 minors*

Stenographer *Oliver Mitchell Wood.*

Graves G. Brookshire
REFUSED.

NOTICE OF DECISION FORWARDED

APPLICANT

APR 15 1904

CHICKABAW

APR 15 1904

NOTICE

APR 15

APR 15 1904

FORWARDED DEPART.

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

AUG 22 1904

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

APR 15

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHICKABAW
AND CHICKABAW NATIONS.**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHICKABAW**

FILED **APR 15 1904** **U. S. 6356**

Choctaw MCR 6375

William E. Sheffield

MCR 6375

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 12, 1902.

In the matter of the application of William E. Sheffield,
for identification as a Mississippi Choctaw.

J. O. Pool (not present), attorney for applicant.

William E. Sheffield being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A William E. Sheffield.
Q What is your age? A Twenty two.
Q What is your post office address? A Ferris Texas, Ellis
County.
Q How long have you lived there? A Twenty two years.
Q You were born at that place were you? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A William Arthur Sheffield.
Q What is your mother's name? A Sally.
Q Through which parent do you claim Choctaw blood? A My
mother.
Q How much do you claim? A One sixteenth.
Q Claim that she had one eighth? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in the Indian
Territory? A No sir.
Q Are you married? A No sir.
Q And claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the
Choctaw Nation to the Choctaw tribal authorities in the
Indian Territory? A No sir.
Q Have you ever made application for citizenship in the
Choctaw Nation to the Commission to the Five Civilized Tribes
under the act of Congress of June 10, 1898? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw
Nation by either the Choctaw tribal authorities, the Com-
mission to the Five Civilized Tribes or the United
States Court in the Indian Territory? A No sir.
Q Is this your first application for citizenship in the
Choctaw Nation? A Yes sir.
Q Do you come before the Commission at this time to be
identified as a Mississippi Choctaw? A Yes sir.
Q Do you make this claim under article fourteen of the treaty
of 1830? A Yes sir.
Q Do you understand that article of that treaty? A Well
yes sir I think so.
Q Do you care for any further explanation of it? A No sir.
The article itself is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q That is article fourteen of the treaty of 1830 under which you are making this claim today. Now do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No sir I do not.
- Q What is the name of your Choctaw ancestor that you are making this claim through today? A Graves Brookshier.
- Q Who is Graves Brookshier?
- A That's my mother's father.
- Q That's your grandfather? A Yes sir.
- Q Can't you go back further than that? A James Brookshier.
- Q What relation was he to you? A He's my great grandfather.
- Q How much Choctaw blood did he have? A One half.
- Q Do you know the name of his wife? A No sir I do not.
- Q Did he live in Mississippi in the year 1830 in the old Choctaw Nation? A I don't know.
- Q Did you ever hear that he lived at any time in Mississippi?
- A No sir I did not.
- Q Can you give the name of any Choctaw ancestor of yours who did live in Mississippi in 1830 and was the head of a family there then? A No sir.
- Q You don't know whether he was?
- A No sir.
- Q Did any of your Choctaw ancestors live on land either in Mississippi or Alabama in the old Choctaw nation for five years which land they had received under article fourteen from the government and at the end of five years time receive a patent from the government to that land? A I don't know a thing about that.
- Q You don't know whether they ever got any land in the old Choctaw Nation under article fourteen of the treaty of 1830?
- A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A Yes sir I think they were drove back there.
- Q You think they were driven back where? A Well I don't know; I don't know where they were driven to.

Q The question is did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time previous to this application?

A I dont know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A I dont know.

Q Do you know whether or not any of your Choctaw ancestors owned any improvements on land in that old Choctaw Nation east of the Mississippi river in 1830 or thirty one?

A I dont know.

The Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory with the other Indians under the treaty were required if they wanted to take advantage of article fourteen of the treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register and because of his negligence in this respect a good many Choctaw Indians who had land in the old Choctaw Nation on which they had improvements lost both their land and their improvements; both were taken from them by the government and sold at its public land sales; this caused a great many complaints among the Choctaw Indians and in 1837 because of the complaints made by the Indians Congress appointed a Commission under act approved March 3 of that year; this Commission went to Mississippi and heard claimants under article fourteen of the treaty; in 1842 by an act of Congress approved August 23 1842 another commission was appointed by Congress for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830; did you ever hear that any of your Choctaw ancestors went before either of those commissions and claimed any benefits under article fourteen of the treaty?

A No sir.

Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen and also proved that their land in the old Choctaw Nation had been taken from them and sold.

Q What relation is Sarah E. Babb to you? A She's a cousin of mine.

- Q She has made application has she to be identified as a
Mississippi Choctaw? A Yes sir.
Q Do you want to have your case and hers consolidated?
A Yes sir.

The case of Sarah E. Webb M.C.R. 6356 is her referred to
for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Have you any other evidence you want to present now or any
other statement you want to make? A No sir.
Q Have you an attorney? A Yes sir.
Q What is his name? A Pool; J.O. Pool.
Q He requests time in a written communication? A Yes sir.
Q Would you like time in this case? A Yes sir.
Q Have you any other evidence that you now know of that you
would like to introduce further? A No sir.
Q You think you would like to make an effort to introduce
other testimony? A Yes sir.

Thirty days time is allowed to the applicant in which to furnish
if he desires to do so further evidence in this case.

This applicant has the appearance and physical characteristics
of being descended from white parentage; he has light
sandy hair; blue eyes and florid complexion; does not
understand or speak the Choctaw language and knows nothing
of a compliance on the part of his ancestors with article
fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath
states that as stenographer for the Commission to the Five
Civilized Tribes she reported in full all proceedings had
in the above entitled cause on the 12th day of November
1902 and that the above and foregoing is a full true and
correct transcript of her stenographic notes of said pro-
ceedings on said date.



Subscribed and sworn to before me this 20th day of November 1902



Notary Public.

N O R 6378

PY.

Muskogee, Indian Territory, April 5, 1904.

William H. Sheffield,

Ferris, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Rabb, et al., including yourself.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. D. J. [Signature]

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

COPY.

William B. Sheffield,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

~~SIGNED~~

Tame Bixby.

Chairman.

MUR-6376

Muskogee, Indian Territory, October 30, 1906.

William E. Sheffield,
Durant, Indian Territory.

Dear Sir:-

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

No. 6375

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date NOV 12 1902

Name William E. Sheffield

Age 22 - Blood 1/16

Post Office, Ferris, Texas

Father: William A. Sheffield b.

Mother: Sallie " b.

Claims through mother $\frac{1}{8}$

~~Children:~~

Claims for self alone

Chas. Mitchell Wood

AMERICAN

R.A.

William E. Sheffield

REFUSED

DECISION MADE MAR 15 1904

NOTICE OF DECISION FORWARDED

APR 5 1904

ATTORNEY GENERAL
CHIEF OF BUREAU OF LANDS

FOYALICANTS

RECORD FORWARDED DEPARTMENT

APR 21 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR

AUG 27 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

SEP 1 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY GENERAL
CHIEF OF BUREAU OF LANDS

FORWARDED ATTORNEY GENERAL
CHIEF OF BUREAU OF LANDS

W. O. Durant, J. T. 4/19/04

Choctaw MCR 6376

Cora I. Moon

MCR 6376

6376

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, November 12, 1902.

In the matter of the application of Cera I. Moon
for the identification of herself and her three minor
children Allie Beulah, Earl and Clarence Moon as Mississippi
Choctaws.

J. O. Pool (not present) Attorney for applicant.

Cera I. Moon being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Cera I. Moon.
Q What is your age? A Twenty five
Q What is your post office address? A Beall Arkansas, Putman
County.
Q How long have you lived there? A Four years.
Q Where were you born? A Texas.
Q And from Texas did you go to Arkansas? A Yes sir.
Q Where in Texas were you born? A Ellis County.
Q And lived there most of the time? A Lived there until
we went to Arkansas.
Q Is your father living? A Yes sir.
Q And mother? A Yes sir.
Q What is your father's name? A William Arthur Sheffield.
Q What is your mother's name? A Allie Graves Sheffield.
Q The Graves is the maiden name isn't it? A No sir; Brockahier
was her maiden name.
Q Your brother is William E. Sheffield? A Yes sir.
Q He gave the name as Sallie; you know the Graves and it's
the same person? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Claim your mother was one eighth? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member
of the Choctaw tribe of Indians in Indian Territory by
either the Choctaw tribal authorities or the United States
authorities? A Not that I know of.
Q Is your husband living? A Yes sir.
Q What is his name? A Willie B. Moon.
Q Is he a white man or a Choctaw Indian? A White man.
Q Do you make any claim for him? A No sir.
Q How many children do you want to apply for? A Three.
Q All miners? A Yes sir.
Q What is the name of the eldest? A Allie Beulah.
Q How old is she? A Six years old.
Q What is the name of the next child? A Earl.
Q Boy? A Yes sir.
Q How old is Earl? A Four years old.
Q The next? A Clarence.
Q How old is Clarence? A Two years old.

- Q Is that all the children? A Yes sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Is your husband Willie B. Moon the father of these children? A Yes sir.
- Q Were either you or your husband married before you married each other? A No sir.
- Q Are these children living with you and your husband at your home now? A Yes sir.
- Q Have you ever made application for citizenship in the Choctaw nation for yourself and oldest child ~~ld~~ ~~faxx~~ to the Choctaw tribal authorities in the Indian territory?
- A No sir not before.
- Q Have you ever made application before this to the Dawes Commission for citizenship for yourself or any of your children under the act of Congress of June 10, 1896?
- A No sir.
- Q Have you or your children any of them, ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory?
- A No sir.
- Q Do you now come before this Commission to identify yourself and these three minor children as Mississippi Choctaws?
- A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians who at that time lived in the old Choctaw Nation east of the Mississippi river, at a place in Mississippi called Dancing Rabbit Creek; the date of this treaty was the 27th day of September 1830; the object of the treaty was to remove the Choctaw Indians as a nation from that old nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who wanted to stay back there and who did stay back in the old Choctaw Nation, article fourteen was put into the treaty of 1830; an article in a treaty is one of its subdivisions or sections. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such

child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted in any way to comply with that article of that treaty? A No sir.
- Q What is the name of your Choctaw ancestor through whom you make this claim today? A Brookshier
- Q What is the full name? A James Brookshier.
- Q Do you know the name of his wife? A No sir I do not.
- Q Do you get whatever Choctaw blood you claim through James Brookshier? A Yes sir.
- Q And he had how much? A Half.
- Q What relation was he to you? A Great grandfather.
- Q Did he live in the old Choctaw Nation in 1830 in Mississippi or Alabama? A I dont know.
- Q You dont know whether he ever lived there in the old Choctaw Nation and was head of a family there? A No sir I dont.
- Q Can you give the name of any Choctaw ancestor who did live in the old Choctaw Nation and was the head of a family there then? A No sir.
- Q Do you know whether James Brookshier or any Choctaw ancestor of your within six months after the ratification of the treaty of 1830 went to Colonel Ward and told him they wanted to stay in Mississippi take land there and become citizens of the states? A No sir I do not.
- Q Did any of your Choctaw ancestors live upon land in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time get a patent to that land from the government as Choctaw Indians under article fourteen
- A I dont know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I dont know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory at any time previous to this application made by you today; did you ever hear?
- A No sir.
- Q Did any of them own any land or claim any in Mississippi or improvements on land in Mississippi in 1830 under article fourteen? A I dont know.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to register under that article at the agency of Colonel William Ward the United States Indian agent, within six months after the ratification of the treaty of 1830; A good many Indians claimed that they had registered or attempted to register but they also further claimed that Colonel William Ward the agent had refused or neglected to put their names upon his list which is known as Wards register; because of his neglect to record the names of those people who were Choctaw Indians and who tried to comply with article fourteen in the matter of registering, a good many Indians who had land in the old Choctaw Nation upon which they had improvements had their land and improvements taken

from them by the government and sold at its public land sales this caused a great many complaints among the Choctaw Indians so that in 1837 by act approved March 3 of that year a commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another commission was appointed by act of Congress approved August 23 1842 for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any benefits under article fourteen of the treaty of 1830? A No sir.
- Q Did any of them get any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas which scrip was issued under act of Congress approved August 23 1842? A I dont know.
- Q Do you speak the Choctaw language? A No sir.
- Q Are you related to Sarah E. Babb? A Yes sir.
- Q What relation is she to you? A She's my cousin.
- Q She claims through the same common ancestor through whom you claim? A Yes sir.
- Q And has been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you want to have your case and hers consolidated?
- A Yes sir.

The case of Sarah E. Babb M.C.R. 6356 is here referred to for the purpose of consolidation.

- Q J. O. Pool is your attorney? A Yes sir.
- Q Do you want to have any time in this case? A Yes sir.

Thirty days time is allowed this applicant in which to introduce other testimony if she desires in support of this case.

- Q Is there anything more you can think of you would like to state? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; gray eyes; medium fair complexion; she has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 12th day of November 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 21st day of November 1902.

Charles H. Sawyer

Notary Public.

Ant

M U A 6376

COPY:

Muskogee, Indian Territory, April 5, 1904.

Cora I. Moon,

Beall, Arkansas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb, et al., including yourself and children Allie Beulah Moon, Earl Moon and Clarence Moon.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

tsig

T. B. McCallie.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

COPY.

Cora I. Moon,

Beall, Arkansas,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Allie Beulah Moon, Earl Moon and Clarence Moon, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

Tame Bixby.

Chairman.

MOR-3376

Waskagee, Indian Territory, October 30, 1906.

Gora I. Moon,

Beall, Arkansas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No.

6316

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 12 1902

Name Cora V. Moon.

Age 25 -

Blood 1/16

Post Office, Beall, Ark.

Father: William A. Sheffield l.

Mother: Sallie G. l.

Claims through mother 1/8

No husband
Willie B. Moon, l. w.

No claim for husband.

Children:

Allie B. Moon, 6

Eare " 11 4

Clarence " 10 2

Claims for self &

3 minor

Stenographer

Charles Mitchell Wood -

687
Com. J. Moon et al
REFUSED.

DECISION RENDERED MAR 15 1904

NOTICE OF DECISION FORWARDED

APR 1 1904

RECORD FORWARDED DEPARTMENT

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 22 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

SEP 10 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

SEP 10 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

RECEIVED IN O. H. 687

Choctaw MGR 6377

Manuel Thompson

MGR 6377

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Manuel Thompson, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

Manuel Thompson, et al., M.C.R. 6377
James Truelove, M.C.R. 6162

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by
each in said record.

	page
Original application of Manuel Thompson, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
Original application of James Truelove before the Dawes Commission for identification as a Mississippi Choctaw,.....	3
Testimony of Dianah Thompson,.....	12
Testimony of Mary Jane Wiley,.....	16
Testimony of Lizzie Farmer,.....	18
Decision of the Commission refusing the application of Manuel Thompson, et al., for identification as Mississippi Choctaws,.....	21

No. 6377.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T. November 13, 1902.

In the matter of the application of Manuel Thompson for the identification of himself and his four minor children, Anna, Sam T., Charlie and Luetta Thompson as Mississippi Choctaws.

Manuel Thompson, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Manuel Thompson.
Q What is your age? A Going on 48 years old.
Q When will you be 49? A Sixth of the coming February.
Q What is your post office address? A Swan Lake.
Q What state? A Arkansas.
Q How long have you lived in Arkansas? A I suppose about right down there about twenty-five or six years.
Q And you lived in what state before you went to Arkansas? A Mississippi, in Bolivar County.
Q You went from Mississippi to Arkansas? A Yes.
Q Is your father living? A No, sir.
Q Is your mother living? A She is dead.
Q What was your father's name? A Ben Thompson.
Q What was your mother's name when she died? A Lucy Price.
Q She married again? A Yes.
Q Do you claim your Choctaw blood through your father or mother? A Mother.
Q How much Choctaw blood did she have? A She was a full blood.
Q How much do you claim? A One-half.
Q Was your father at any time a slave? A Yes, sir.
Q Were you? A No, sir.
Q Was your mother ever a slave? A No, sir.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A They so tell me she was.
Q Did she live in Indian Territory? A About Ft. Smith, near Fortean.
Q You don't know if she was enrolled as a Choctaw Indian? A I don't know--I heard so.
Q If she had been enrolled you would have known it would you not? A Yes, sir. I just heard it.
Q Are you married? A Yes.
Q What is your wife's name? A Callie Thompson.
Q Is she a negro? A Yes, sir.
Q Is she living? A Yes.
Q Do you make any claim for her? A No, sir.
Q Have you any children? A Four.
Q Are they all under age and unmarried? A They are all under age.

- Q What is the name of the eldest? A Anna.
Q How old is Anna? A In June she will be 14.
Q She is 13 now? A Yes, sir.
Q What is the name of the next child? A Sam T.
Q How old is Sam? A Eleven.
Q What is the name of the next? A Charlie.
Q How old is Charlie? A Nine.
Q The next? A Luetta.
Q How old is she? A Five.
Q Is that all the children you have? A Yes, sir.
Q Is Sallie Thompson the mother of these children? A Three of them.
Q What three? A Sam, Charlie and Luetta.
Q Then Sallie Thompson is your second wife? A Yes.
Q What is the name of your first wife? A Laura.
Q She is dead? A Yes.
Q Was she a negro? A Part white.
Q She had no Choctaw blood? A None at all.
Q She was the mother of Anna? A Yes.
Q So that although Laura was the mother of Anna and Sallie the mother of the other three children, they all claim their Choctaw blood through you? A Yes, sir.
Q When and where were you married to your first wife? A In Jefferson County.
Q What state? A Arkansas.
Q The day of the month and year? A I don't know; I have kept no account.
Q Were you married by a minister under a license? A Yes, sir.
Q When and where were you married to Sally? A In Jefferson County too.
Q In Arkansas? A Yes.
Q By a minister under a license? A Yes.
Q Do you remember the day of the month and year? A I do not; I never kept a record of it.
Q You remember you were married by a minister under a license both times? A Yes.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't understand that.
Q Are you and your children enrolled as members of the Choctaw tribe of Indians? A They are not enrolled as I know of.
Q You want to get enrolled? A Yes, sir.
Q Did you ever make application for citizenship for yourself or for any of these children in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Did you ever make application for yourself or for these children for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A I never have.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A I never have.
Q You now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830, or don't you understand article fourteen of that treaty? Do you know anything about it? A No, sir.

A treaty is an agreement or compact in writing made between two nations, and an article in a treaty is one of its subdivisions or sections. The treaty of 1830, sometimes called the treaty of "Dancing Rabbit Creek," was made at a place by that name on September twenty-seventh 1830. The object of the treaty on the part of the government was to get the voluntary consent of the Choctaw Indians to remove from the territory occupied by them east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory and in order to protect the interests of those who preferred to remain in the old Choctaw Nation, article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now that is article fourteen of the treaty of 1830 under which you make your claim.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply in any way with the provisions of that article? A No.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A I don't know what the name is; I have heard my mother say grandfather's name was Manuel; she said his name was Manuel.
- Q Well now, was that your mother's father? A Yes, that was her father.
- Q You don't know any other name except Manuel? A No.
- Q Did he live in Mississippi? A I don't know whether he did or not; I don't know anything about it.
- Q How much Choctaw blood did Manuel have? A I never heard her say.
- Q Lucy Trash was his daughter? A Yes.
- Q Did she live in Mississippi? A Yes.
- Q How old would she be if living now? A Now I suppose she would be--never kept record--she was about 65 years old.
- Q Was she born in Mississippi 65 years ago? A No, sir, she was not.
- Q Where was she born? A I don't know.
- Q How do you know she was not born there? A I don't know.
- Q Can you give the name of your Choctaw ancestor, either your grandfather or grandmother or any body else who lived in the old Choctaw Nation in 1830 and was the head of a family there at that time? A No, sir.

- Q Did any of your Choctaw ancestors live on land in Mississippi or Alabama which land had been given to them by the government, on which they had lived for five years and then received a patent or deed from the government? A No, sir.
- Q Did any of your Choctaw ancestors claim or hold any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation east of the Mississippi river in 1830? A No, sir.
- Q You don't know how much Choctaw blood Manuel, your grandfather, had? A No.
- Q You claim through your mother? A Yes.
- Q And she was a full blood? A Yes, sir.
- Q Then Manuel must have been a full blood and his wife a full blood? A Yes.
- Q You know nothing of your ancestors further back than your grandfather, Manuel? A No, sir.
- Q How old would Manuel be if living now? A I don't know, sir.
- Q You couldn't tell? A No, sir.
- Q Did he or your mother speak the Choctaw language? A I could not say about him; mother could speak some--so they tell me.
- Q Did you ever hear her speak Choctaw? A I heard her speak something I could not understand.
- Q She might have been talking Dutch; you don't know Dutch from Choctaw? A No, sir.
- Q Would you swear she spoke in the Dutch language? A I don't know.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified, refusing to go to the Indian Territory with the other Indians, were required, if they wanted to take advantage of article fourteen of that treaty, to go within six months after the ratification of the treaty before the United States Indian Agent, Colonel Ward, and tell him they wanted to remain in the old Choctaw Nation, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward neglected or refused to register. Because of this neglect on the part of Colonel Ward many Choctaw Indians lost their land in the old Choctaw Nation upon which they had improvements, the government having taken both their land and improvements and sold them at its public land sales. This caused so many complaints on the part of the Choctaws that in 1837, by an act of Congress approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed which Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions appointed in 1837 and in 1842 and claimed any benefits under article fourteen of the treaty of 1830? A I do not.

Q Did any of them receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under act of Congress approved August 23rd, 1848, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their land and improvements in the old Choctaw Nation taken from them by the government and sold.

Q Do you speak or understand the Choctaw language? A No, sir.
Q Is James Trulove any relation to you? A My sister's child.
Q Has he been before the Commission to be identified as a Mississippi Choctaw? A I don't know.
Q Don't you know that he has been here before the Commission? A Yes he wrote me he was here.
Q And made application to be identified as a Mississippi Choctaw? A Yes.
Q Do you want to have your case consolidated with his? A Yes.

The case of James Trulove, M.C.N. 6152, is here referred to for the purpose of consolidation.

Q Have you any evidence you want to present at this time? A I have nothing new--only James Trulove.
Q He does not know anything more about it than you do? A No, sir.

Your cases will be consolidated anyway and his testimony and yours will be considered together.

Q You have no attorney? A No, sir.
Q You say you claim one-half Choctaw blood? A Yes.
Q And you have been living in the Territory how long? A I have not lived here at all.
Q And you have no relatives here at all? A My ma lived here awhile.
Q How long did she live in the Territory? A I don't know exactly; it has been a good while ago.

This applicant is of mixed ancestry, negro and white; claims Choctaw blood but the Commission is unable to determine as to that fact; his hair is black and curly; complexion not so dark as that of a full blood negro, showing an admixture. Features are more the features of a white man than a negro, mustache black and straight; nose large and narrow; lips of medium thickness; does not speak or understand the Choctaw language, and has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R.B. Eisenberg, being first duly sworn, states on oath that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 13th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 22 day of November, 1902.

Charles H. [Signature]

Notary Public.

64
C.P.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Manuel Thompson, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

Manuel Thompson, et al., H.C.R. 6377
James Truelove, H.C.R. 6152

--DECISION--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Manuel Thompson, for himself and his four minor children, Anna,
Sam T., Charlie and Laetta Thompson, and by James Truelove, for
himself, under the following provision of the act of Congress ap-
proved June 23, 1898. (30 Stat., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses
and perform all other acts necessary thereto and make
report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Mammel, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mammel, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842,

(5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mamel Thompson, Anna Thompson, Sam T. Thompson, Charlie Thompson, Mattie Thompson and James Truckee as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

O. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

APR 13 1903

COPY.

M.C.R. 6377

Muskogee, Indian Territory, April 13, 1903.

Manuel Thompson,

Swan Lake, Arkansas.

Dear Sir:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Manuel Thompson, et al., embracing the following applications for identification as Mississippi Choctaws:

Manuel Thompson, et al., M.C.R. 6377
James Truelove, M.C.R. 6382

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of the Commission that the evidence herein is insufficient to determine the identity of Manuel Thompson, Anna Thompson, Sam T. Thompson, Charlie Thompson, Lottis Thompson and James Truelove as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

COPY.

M.C.R. 6377

Muskogee, Indian Territory, April 13, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Manuel Thompson, et al., embracing the following applications for identification as Mississippi Choctaws:

Manuel Thompson, et al., M.C.R. 6377
James Truelove, M.C.R. 6152

These applications were made under the provisions of the act of Congress of June 16, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Manuel Thompson, Anna Thompson, Sam T. Thompson, Charlie Thompson, Luetta Thompson and James Truelove as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

-2-

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Dixby.
Chairman.

COPY.

Muskogee, Indian Territory, April 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Manuel Thompson, et al., applicants to the Commission for identification as Mississippi Choctaw, including the decision of the Commission of April 13, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Manuel Thompson, et al., H.C.R. 6377;
James Truelove, H.C.R. 6152.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

2 Enc.: H.C.R. 6377.

SIGNED.

Tams Birby.
Chairman.

M.O.A. 4377.

Muskogee, Indian Territory, May 1, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Manuel Thompson, et al., the record therein, together with the decision of the Commission refusing the several applications in this case, was on April 30, 1903, transmitted to the Department.

On April 30, 1903, the Commission received from A.W. Jones, Attorney, an argument on behalf of James Truelove, one of the applicants included in this consolidated case, and said argument is herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

June 6, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the matter of the application of Manuel Thompson for himself and his four minor children, Anna, Sam T., Charlie and Luette Thompson, and by James Truelove for himself for identification as Mississippi Choctaws.

The record in this case shows that the applicants base their claim to a right to identification on their descent from one Manuel, who it is claimed was a member of the Choctaw Tribe of Indians but as to whether the ancestor was at the head of a family in 1830, was a resident of the Choctaw Nation in Mississippi or Alabama at that time the witnesses are unable to state, relying solely on their descent from the ancestor Manuel. They have no knowledge of whether Manuel or any other Choctaw ancestor either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The Commission rejects the applicants for the reason that its records do not show that any person of the name of Manuel either complied or attempted to comply with the provisions of the 14th arti-

cle or received benefits thereunder.

An examination of the records of this office shows that there was no person of the name of Manuel, who as a citizen of the Choctaw Nation in 1830, either complied or attempted to comply with the provisions of the 14th article of the treaty of that year. These being the facts it is evident that the decision of the Commission rejecting the applicants was correct and I, therefore, recommend that it be approved.

An argument was presented in this case by A. W. Jones, an attorney for the applicants but it in no wise tends to strengthen their claim to identification on their descent from Manuel.

Very respectfully,

A. C. Tenner,
Acting Commissioner.

MEH-R.

Copy.

D.C.17559

DEPARTMENT OF THE INTERIOR.

VOF.

R. TB.
4970-1903.

WASHINGTON.

RAF.

L. R. S.

June 17, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

April 29, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Manuel Thompson and his minor children, Anna, Sam T., Charlie and Luetta Thompson; and of James Truslove. You refused ~~to grant the same~~ April 13, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of one Manuel, the maternal grandfather of Manuel Thompson, it being alleged that said ancestor was a Choctaw Indian.

The evidence furnished by the records fails to show that the said Manuel or any other Choctaw ancestor of the applicants complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto. The records of the Indian Office fail to show that anyone

by the name of Manuel complied or attempted to comply
with said article or acts.

Reporting June 8, the Acting Commissioner of
Indian Affairs recommends that your decision be approved.
A copy of his report is inclosed herewith.

After a careful review of the record the
Department finds no reason to disturb your decision,
and it is hereby approved.

Respectfully,

E. A. Hitchcock

Secretary.

1 inclosure.

M. C. R. 6377.

COPY:

Muskogee, Indian Territory, July 21, 1903.

Mansfield McNulty & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 17th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Manuel Thompson et al., of which decision you were advised by mail on the 13th day of April, 1903.

Respectfully,

(SIGNED)

T. D. Neegles.
Commissioner in Charge.

M. O. N. 6377.

COPY!

Muskogee, Indian Territory, July 21, 1903.

Manuel Thompson,

Swan Lake, Arkansas.

Dear Sir:-

You are hereby notified that on the 18th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Manuel Thompson et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

ION. FREEDMEN ROLL.

NAME OF MOTHER

FATHER'S OWNER

FATHER'S TRIBAL ENROLLMENT

No.

YEAR

COUNTY

FATHER

REFUGEE TO M. O. R. 6377

Manuel Thompson et al

Consolidated Case

Manuel

French blood

Luey, Trash or Isaac
husb. ft.
① Ben Thompson, slave
② Hudson Isaac.

George Thompson ?
wife
Dinah Thompson

Mar 31 11
Manuel Thompson 48 1/2
wife

① Laura Thompson, dead.
neg. & w.
② Sallie Thompson, neg.

Dora Isaac 1 1/2
man
Edom Duvalone, neg.

Mar 6 14
Anna Thompson 13
Sam J. Thompson 11
Charlie Thompson 9
Luetta Thompson 5

Mar 6 15
James Duvalone, 37 1/2
wife
Bettie Duvalone, neg.

No.

6277

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 13 1902

Name Manuel Thompson.

Age 48

Blood $\frac{1}{2}$

Post Office, Swan Lake, Ark.

Father Ben Thompson d.

Mother Lucy Trice - d

Claims through

mother (full) -

^{2nd} Wife, Sallie Thompson, reg. l.

No claim for wife -

1st wife, Laura - (d) reg. ⁷ _{white} -

Children:

Anna Thompson, 13

Sam " 11

Charlie " 9

Luetta " 5

Claims for self &
4 childrenLaura - Mother 1st child

Sallie Mother of Sam - Charlie - Luetta

Stenographer

R. B. Euenberg -

6377
Daniel Thompson et
6377

DECISION RENDERED. APR 13 1903

PERT. M. O. R. 6152

Choctaw MCR 6378

Alice Johnson

MCR 6378

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice Johnson, et al.,
for identification as Mississippi Choctaws, M. C. R. 6378.

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by
each in said record.

Original application of Alice Johnson,
et al., before the Dawes Commission for identifica-
tion as Mississippi Choctaws.

page

1

Affidavit of John Lewis.

10

Decision of the Commission refusing the
application of Alice Johnson, et al., for identifi-
cation as Mississippi Choctaws.

11

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Alice Johnson, et al.,
for identification as Mississippi Choctaws, M.C.R. 6378.

List of papers forwarded to the Department with the
record in the above application.

	Page
Original application of Alice Johnson, et al., to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws.	I
Affidavit of John Lewis	10
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Decision of the Commission refusing the application of Alice Johnson, et al., for identification as Mississippi Choctaws	11

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., November 13, 1902.

In the matter of the application of Alice Johnson for the identification of herself and her four minor children, Maryland, Essie, Festus Jr., and Lonnie Johnson, as Mississippi Choctaws.

Alice Johnson, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Alice Johnson.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Caddo, Indian Territory.
Q How long have you lived at Caddo? A About five months.
Q Where did you live before that? A Terrell, Texas.
Q Where were you born? A In Louisiana.
Q Where in Louisiana? A In New Orleans.
Q And from Louisiana you went to Texas? A Yes.
Q Is your father living? A No.
Q Is your mother living? A No.
Q What was your father's name? A John Swain.
Q What was your mother's name? A Phoebe Swain.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much do you claim? A My mother was a whole and father was some, and she told me I was three-quarter.
Q You claim to be three-quarter Choctaw? A Yes.
Q You claim through your father and mother both then? A I went by what she told me; she said she had some Indian blood in him.
Q Did he live in Mississippi or any of his ancestors? A I don't know.
Q You don't claim through your father at all? A No, sir.
Q You claim through your mother? A Yes, sir.
Q You cannot say that any of your father's ancestors lived in Mississippi? A No, sir.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A I don't know.
Q Is your husband living? A Yes, sir.
Q What is his name? A Festus Johnson.
Q Is he a white man, a colored man or an Indian? A Colored man and part Choctaw.
Q Why don't he make application if he is part Choctaw? A I don't know--there he is, you can ask him.
Q Do you make any claim for your husband? A No, sir.
Q Now give me the names of your children under age for whom you wish to make application, commencing with the oldest? A Maryland Johnson (boy) 15 years old.
Q What is the next? A Essie, 12 years old.
Q The next? A Festus, 10 years old.
Q Your husband's name is Festus? A Yes, sir.

- Q Sometimes he is called Fess? A Yes.
- Q So that this boy is Festus, Jr? A Yes.
- Q What is the name of the next child? A Lemmie (boy) 4 years old.
- Q Is that all? A Yes, sir. I have two that are married--twins.
- Q What is the name of your other children who are married? A Mary Moore and Martha Swain.
- Q Where does Mary live? A Guthrie, Oklahoma.
- Q Where does Martha live? A She lives with Mary.
- Q Is Festus Johnson, your husband, the father of these children? A Yes, sir.
- Q Are you and your husband living together and are these children all living at home with you? A Yes, sir. All except those two married.
- Q Were you or your husband ever married before your marriage to each other? A No, sir.
- Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory either for yourself or for any of these children? A No, sir.
- Q Have you ever made application for yourself or for any of these minor children for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q You now come before the Commission to identify yourself and these minor children as Mississippi Choctaws? (No answer).
- Q You want to be identified with your children as Mississippi Choctaws? A I don't understand that.
- Q Did not you come here to identify yourself and have these children identified as Mississippi Choctaws? A I reckon so; I don't know.
- Q Well you ought to know. What are you here for? A I claim to be a Mississippi Choctaw.
- Q Do you make that claim under article fourteen of the treaty of 1830? A Yes.
- Q Do you understand article fourteen of that treaty? A No, sir, only what my mother said.
- Q Did she tell you about it? A Yes.
- Q What did she say about it? A I don't know; it has been so long. She had some sticks to represent them.
- Q Who had the sticks? A My mother had them from grandmother.
- Q What did the sticks represent? A I don't know any more than these sticks meant the family.
- Q What did your grandmother do with these sticks? A My mother had--
- Q I did not ask about your mother. I asked what your grandmother did with those sticks? A My mother--
- Q I don't want to know about your mother; I want to know what your grandmother did with them? You told me first-- A I say my mother had them.
- Q Now what did your grandmother do with these sticks? A I don't know sir.
- Q Why did you not say so? The question was put to you for the reason that in 1831, within six months after the ratification of the treaty of 1830, a good many Choctaw Indians went to the United

States Indian Agent, Colonel Ward, and attempted to register under article fourteen of that treaty, and because they could not talk English very well they brought sticks with them and said each one of the sticks represented a member of their family and wanted to register their families according to the number of sticks they had. In some cases the Agent took the sticks, broke them up and threw them away, stating that he could not register them unless the names of the members of the family were given. That is why I asked what your grandmother did with those sticks? A I did it to try and explain it.

- Q What is the name of your grandmother? A My grandmother's name was Mollie.
- Q Did she have any other name besides Mollie? A I don't know.
- Q How she had some sticks? A That is what mother said.
- Q Do you know whether she lived in Mississippi or Alabama when the treaty of 1830 was made? A No more than what I have been told.
- Q Who told you she lived in Mississippi? A My mother.
- Q Did she say she lived there when the treaty was made? A No she did not.
- Q Did she say your grandmother lived there in 1831? A No.
- Q Did your grandmother go to Colonel Ward with those sticks and try to register the members of her family? A Not that I know of.
- Q Then you don't know anything more about these sticks other than that she had them? A All I know about them is what mother said.
- Q You heard the explanation I gave? A Yes.
- Q You never heard about it before? A She said the sticks were her grandmother's; she said they represented.
- Q Represented what? A I was small and don't know, sir, what it meant.
- Q You never heard about Colonel Ward did you? A No, sir.
- Q You don't know that he was the United States Indian Agent in Mississippi in 1830 and 1831? A No, sir.
- Q Did your grandmother or any Choctaw ancestors of yours own or claim any land under article fourteen of the treaty of 1830 in the old Choctaw Nation? A Not that I know of.
- Q Did she, or did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to Colonel Ward and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states? A Not that I knew of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between the years 1833 or 1838 or 1840? A I don't know.
- Q Or at any other time previous to this application now made by you? A No, sir.
- Q You came to the Territory about five months ago and have lived at Cade since? A Yes.
- Q You and your husband and family? A Yes.
- Q What business is your husband in? A Picking cotton.
- Q Are you going to stay in the Territory or go back to Texas? A We are going to stay here if we can.
- Q Did your grandmother or any of your Choctaw ancestors live in Mississippi in 1830 and receive land from the government on which they lived for a period of five years and then get a deed or patent to the land from the government? A I don't know sir.
- Q Do you know if your grandmother, Mollie, was a slave at any time? A No, sir, I don't know.

- Q How much Choctaw blood did you say your grandmother had? A She was a full blood.
- Q Do you know what her husband's name was? A Jim.
- Q Is that all the name he had? A That is all I know.
- Q How much Choctaw blood did he have? A He was full blood.
- Q Do you claim your mother was a full blood? A Yes.
- Q And your father had some Indian blood but you don't know whether he was a Mississippi Choctaw or not? A No, sir.
- Q And you don't claim through him? A No, sir.
- Q Have you any relatives that have been before the Commission? A No, sir.
- Q How old would your grandmother be if living now? A I could not say.
- Q Could she speak the Choctaw language at all? A I don't know sir.
- Q

Those Choctaw Indians who lived in the old Choctaw Nation after the treaty was ratified, refusing to go to the Territory, were required, if they wanted to take advantage of article fourteen of that treaty, to go within six months after the ratification thereof to the United States Indian Agent and tell him they wished to remain in the old Choctaw Nation, take land there and become citizens of the states. A good many Indians did this whose names Colonel Ward refused or neglected to put on his list known as Ward's register. Because of this neglect on the part of Colonel Ward many of the Choctaw Indians who had lands in the old Choctaw Nation upon which they had improvements, lost both their land and improvements, the government having taken both their land and improvements and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed which Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you whether any of your Choctaw ancestors went before either of these two Commission appointed in 1837 and 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in either the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know sir.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their land in the old Choctaw Nation taken from them and sold by the government.

- Q You don't understand article fourteen of the treaty of 1830?
A No, sir.

Article fourteen is an article that was put into the treaty for the special benefit of those Choctaw Indians who refused to go to the Choctaw Nation Indian Territory under the general provisions of the treaty of 1830. Now a treaty, such as was made by the Choctaw Nation and the United States government at that time, is an agreement or compact in writing made between two nations. The object of this treaty was to remove as far as practicable all of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians preferred to remain in the old Choctaw Nation and would not go to Indian Territory. To protect the interests of those Indians who wished to stay in the old Choctaw Nation, Article fourteen was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830?
A No, sir, I don't know.
Q Have you any other evidence you wish to present or witness that you desire to have testify in support of this claim? A I have Mr. Johnson.

Festus Johnson, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Festus Johnson.
Q Are you the husband of the applicant, Alice Johnson? A Yes, sir.
Q What is your age? A Fifty-three.
Q What is your post office address? A Caddo, Indian Territory.
Q How long have you lived in Caddo? A About five months.
Q Where did you live before that? A In Texas.

- Q Where were you born? A Mississippi.
- Q Were you a slave at any time? A Yes, sir.
- Q Were you a slave in Mississippi? A Yes, and was brought to Louisiana.
- Q Were you liberated in Louisiana? A No, sir, in Texas.
- Q Do you know whether your wife was a slave at any time? A No, sir.
- Q Were her parents? A No, sir.
- Q What is your business or occupation? A Picking cotton.
- Q Why did you remove from Texas to Caddo? A I come there to see if we could get my wife's rights.
- Q What do you claim your wife is? A I claim she is a Choctaw Indian.
- Q How much Choctaw blood do you think she has? A I think she is three-quarter Choctaw from what I can learn.
- Q Through whom does she derive her Choctaw blood? A Her mother.
- Q How much Choctaw blood did her mother have? A She was a full blood.
- Q What was her mother's name? A Phoebe Swain.
- Q Did you know her mother personally? A Yes, sir.
- Q Did you know Phoebe's mother? A No, sir.
- Q What was her name? A I heard it was Mollie.
- Q Now if Phoebe was a full blood what was Phoebe's husband's blood? A I don't know.
- Q What was his name? A John Swain.
- Q You don't know whether he was an Indian or a negro? A No.
- Q Did he have any white blood? A I did not know him at all.
- Q How do you know then that your wife is three-quarter Choctaw if you don't know what her father was? A I know what her mother said.
- Q You don't really know whether she is three-quarter or not? A Only what her mother said.
- Q Will you tell all you know about your wife having Choctaw blood and about her Choctaw ancestors--whether they lived in Mississippi or not? A Her mother lived in Mississippi in Newton County.
- Q Did you know her there? A Yes, sir.
- Q Do you know where in Newton County your wife's mother lived? A No, sir, it was close to Vicksburg.
- Q How did you happen to know your wife's mother at that time? A They were camped right there at my boss's farm.
- Q What was his name? A Cy Young.
- Q You were a little slave boy at that time? A Yes, sir, my mother used to go down to the camp and I would go with her.
- Q What camp was that? A Some Indians.
- Q And was your wife's mother with them? A Yes, sir.
- Q What were these Indians doing? A They had some little patches. Patches of what--cotton? A No, I think some sort of corn.
- Q Did they live in tents or houses? A In tents.
- Q How many people were there? A Lots of them--I don't know how many.
- Q Do you know whether your wife's mother, Phoebe, spoke Choctaw or not? A She looked to be Choctaw.
- Q Did she speak the Choctaw language? A Not much of it.
- Q Did she speak the Choctaw language? A Not much of it.
- Q How old were you at that time? A About 10 or 11.
- Q How do you remember Phoebe so well? A Because she was there about my boss all the time and with my mother.
- Q What kind of a woman was Phoebe? A Heavy set; she was a red looking woman.
- Q Did she have black hair? A Yes, sir.

- Q Was it curly? A No, sir.
Q How was it? A It looked to be straight.
Q Was it long or short? A Long.
Q What kind of a dress did she wear? A I don't know sir.
Q How old was she when you knew her when you were eleven? A I don't know how old she was--she was a grown woman.
Q How many years ago was that? A I was about 10 or 11 years old.
Q Then it was about 42 years ago? A Yes, sir.
Q Do you remember any other people there in that camp? A Yes, sir--two or three men--they worked around there; one was called Big Tree and another one called Dulhee.
Q Did this woman Phoebe have an Indian name? A I don't know sir.
Q You only knew her as Phoebe? A Yes, sir.
Q Was your wife living at that time? A No, sir.
Q Where did you first meet her? A Bryant, Texas.
Q How old was she when you first met her? A About 9 or 10 years old--somewhere along there; I don't know exactly.
Q Did you know Phoebe's husband, John Swain? A No, sir.
Q He was a slave was he not? A I don't know.
Q So you are satisfied in your own mind, are you, that your wife's mother, Phoebe, was a Choctaw Indian whom you knew when you were a little boy in Mississippi? A Yes, sir.
Q Do you know anything about Phoebe complying with the provisions of article fourteen of the treaty of 1830? A No, sir.
Q Do you know anything about that treaty? A No, sir.
Q You don't know anything further than what you have testified to--as having seen her with these Indians? A No, sir.
Q And that was about 41 or 42 years ago? A Yes, sir.
Q Did you ever hear of Colonel Ward, the United States Indian Agent? A No, sir, not that I know of.
Q Is there anything more you want to state now in support of this claim of your wife? A I don't know of anything.
Q Is your mother living? A Yes, sir.
Q What is her name? A Emily Callup.
Q Where does she live? A Kaufman County.
Q What state? A Texas.
Q How old a woman is your mother? A About 84.
Q Did she know Phoebe Swain, the mother of your wife? A Yes, sir.
Q Where did she know her? A In Newton County.
Q Was your mother a slave at that time? A Yes.
Q Was Phoebe's mother at the camp you mention at that time? A I don't know sir.
Q Does your mother know anything about more about Phoebe than you do? A Yes, sir.
Q How much more? A I don't know.
Q Does she know anything about Phoebe complying with article fourteen of the treaty of 1830? A I don't know.
Q Is your mother too old to come before the Commission? A Yes, sir.
Q Too old and too feeble? A Yes, sir.
Q Is there anything more you want to say? A No, sir.

Applicant recalled:

- Q Have you a lawyer? A No, I have not.
Q Do you think you could get the testimony of your husband's mother, who knew Phoebe Swain? A I think so by sending.
Q You would like a little time then? A Yes, sir.

30 days time is allowed applicant from date hereof within which to produce further testimony if she desires.

- Q You have no further testimony you wish to present now? A No, sir.
- Q How much Choctaw blood do you think you have? A Well I don't know just how much--if my father was none and my mother was whole, I would be one-half.
- Q Did you not say she was a full blood? A Yes.
- Q Then she had no white blood? A No, sir.
- Q If you have any white blood you get it from your father? A Yes, sir.
- Q Do you know whether you get any white blood from your father? A I don't know sir.
- Q You don't know whether your father was negro and white or what the mixture of his blood was? A Only what my mother said.
- Q What did she say? A She said he was part Indian.
- Q You have not claimed through him? A No, sir. She said he was three-quarter Choctaw.
- Q You don't know whether Jim Swain's ancestors ever lived in Mississippi? A No, sir.
- Q Or whether any of them complied with article fourteen of the treaty of 1830? A No, sir, I do not.
- Q Then you don't know, really, whether you have any white blood or not? A No.
- Q What do you think about it? A Well I think I have Indian.
- Q You claim to have negro blood? A No, sir, I don't.
- Q You evidently, by your own statement, are not all Indian? A No, sir.
- Q Then it has to be some other blood--either white or negro? Don't you know what it is? A No, I do not.
- Q Don't you know that you have some negro blood? A Not for certain.
- Q What do you think about it? Don't you think you have some negro blood? A No, sir, I don't.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry of Indian and either white or negro, or from an ancestry of which the three bloods are combined--either negro and Indian blood, Indian and white, or Indian, negro and white. The Commission is of the opinion that she has a considerable quantity of negro blood, while it would seem true that she has Indian blood, which she claims is Choctaw. She claims her Choctaw blood positively through her mother and is not positive about her father being a Choctaw, and makes no claim through her father. Her hair is black and straight and abundant. Her features are somewhat thinner than the features of the negro; her nose is thin, and lips of medium thickness; shows the negro in her eyes and lips more than any other feature. She has no knowledge of the Choctaw language and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of the fourteenth article of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on oath that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 13th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. Hemenway

Notary Public.

COPY

copy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice Johnson, et al.,
for identification as Mississippi Choctaws, H. C. R. 6578.

---DECISSION---

It appears from the record herein that an application for
identification as Mississippi Choctaws was made to this Commission
by Alice Johnson for herself and her four minor children, Maryland,
Basic, Festus Jr., and Lonnie Johnson, under the following provision
of the act of Congress approved June 28, 1896, (30 Stat., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses
and perform all other acts necessary thereof and make
report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in
the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants

of Jim (or Jimmy, or Choctaw Jim) and Mollie (or Molly) who are alleged to have been full blood Choctaw Indians, and John Swain, who is alleged to have been a three quarter blood Choctaw Indian.

It further appears from the testimony of the principal applicant that her husband was possessed of Choctaw blood, but when called to testify in her behalf he states that he was a slave and makes no such claim.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1906 (29 Stats. 321).

The name Jim is found on page 398, Jimmy on pages 188, 189, 194, 198 and 405; Molly on pages 141, 219, 223, 230, 541 and 668 of Volume I of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus United States before the Court of Claims No. 12742, and the name Jimmy is further found on pages 1071 and 1072, and the name Molly on pages 908, 916 and 1088 of Volume II of the record above cited. The name Jim further appears on pages 34 and 117, and Molly on pages 42, 53 and 95 of Volume VII, American State Papers, Public Lands; all the foregoing citations being references to certain lists, schedules and depositions relating to

claims under the provisions of the treaty of "Dancing Rabbit Creek".

It also appears that persons bearing the names Jim, Molly and Melle received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek", but it does not appear from the evidence submitted by the several applicants herein that the ancestors through whom they claim are identical with any one of the persons whose names appear in the records above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jim (or Jimmy, or Cheetan Jim) or Mollie (or Molly) through whom these applicants claim, or John Swain, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetan Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Johnson, Maryland Johnson, Nanie Johnson, Vestus Johnson Jr., and Lennie Johnson as Cheetan Indians entitled to rights in the Cheetan lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their

-4-

identification or such should be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

SIGNED

Pat. Dixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Lawrence, Indian Territory.

FEB 4 1903

COPY.

Muskogee, Indian Territory, February 4, 1903.

Alice Johnson,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Alice Johnson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Johnson, Maryland Johnson, Essie Johnson, Festus Johnson, Jr., and Lonnie Johnson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

A. J. No. 2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby,

Acting Chairman.

Registered.

M.C.R. 6378.

COPY.

Muskogee, Indian Territory, February 4, 1903.

Wmsfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Alice Johnson, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Johnson, Maryland Johnson, Essie Johnson, Festus Johnson, Jr., and Lennie Johnson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tams Dixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, February 20, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Alice Johnson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tams Dixie.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

2 inclosures: M.C.A. 6378

D.C.14430
I.T.D.3386-1903
LRB

C O P Y
DEPARTMENT OF THE INTERIOR
WASHINGTON, MAY 12, 1903.

JWH
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Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 20, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Alice Johnson (M.C.R.6379), for herself and her four minor children Maryland, Essie, Festus Jr., and Lonnie Johnson, including your decision of February 4, 1903, refusing to identify them as such.

The principal applicant is an one-half blood Choctaw who was born in Louisiana in 1865. She states that her father, now deceased, was part Choctaw, but that she does not claim any right by reason of his Choctaw blood. She also states that her mother, Phoebe Swain, was a full blood Choctaw, and that she lived in Newton County, Mississippi near Vicksburg. The parents of Phoebe Swain were full blood Choctaws named Jim and Mollie, both of whom lived in Mississippi.

The material part of the information contained in your records bearing upon this case, together with your conclusions relating thereto, is found in your said decision, and reads in part as follows:

"The name Jim is found on page 398, Jimmy on pages 158, 163, 194, 198 and 405; Molly on pages 141, 219, 225, 250, 641 and 665 of Volume 1 of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus United States before the Court of Claims No. 12742, and the name Jimmy is further found on pages 1071 and 1072, and the name Molly on pages 908, 910, and 1068 of Volume 11 of the record above cited. The name Jim further appears on pages 54 and 117, and Molly on pages 42, 52 and 95 of Volume VII, American State Papers,

Public Lands; all the foregoing citations being references to certain lists, schedules and depositions relating to claims under the provisions of the treaty of "Dancing Rabbit Creek".

It also appears that persons bearing the names, Jim, Molly and Mollie received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek" but it does not appear from the evidence submitted by the several applicants herein that the ancestors through whom they claim are identical with any one of the persons whose names appear in the records above cited."

Reporting in the matter March 27, 1903, the Acting Commissioner of Indian Affairs furnished a report containing certain information taken from the records of the Indian Office, showing that there were a number of persons named Jim and Molly, who received benefits under article 14 of the treaty of Dancing Rabbit Creek. It is possible that the ancestors Jim and Mollie from whom these applicants claim descent were identical in person with the said beneficiaries of the same name. It is therefore considered that a final adjudication should not be had in the case at the present time, and the case is remanded to you for further investigation. In advising the applicants hereof it is desired that you follow the instructions, so far as they are applicable, contained in departmental letter of April 3, 1903, relative to the Mississippi Choctaw case of Harriet Atkins (N. C. R. 4964).

The record is returned herewith, together with a copy of the Acting Commissioner's letter.

Respectfully,

EDMUND RYAN

Acting Secretary.

2 inclosures.

Land
18760--1903.

COPY
DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS
WASHINGTON, MARCH 27, 1903:

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Alice Johnson for herself and her four minor children, Maryland, Bessie, Festus Jr., and Lonnie Johnson, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from one Nellie or Molly and Jim or Jimmy or Choctaw Jim who, it is alleged, were Choctaw Indians and residents in the Choctaw Nation in Mississippi at the date of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants February 4, 1903, because they had never been enrolled as citizens of the Choctaw Nation, and for the reason that the evidence is insufficient to identify the ancestors through whom they claim with the parties that appear on their records as follows:

*The name Jim is found on page 398; Jimmy on pages 158, 163, 174, 188 and 406; Molly on pages 141, 219, 225, 260, 341 and 666 of volume 1 of the Plaintiff's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims, No. 12742; and the name Jimmy is further found on pages 1071 and 1072 and the name Molly on pages 943, 910 and 1030 of volume 2 of the record herein cited. The name Jim further appears on pages 14 and 15 and 1030 on page 42, 43 and 44 of volume 2. Plaintiff's Brief and Evidence, Volume 1, page 141.

the foregoing citations being references to certain lists, schedules, and depositions relating to claims under the provisions of the treaty of Dancing Rabbit Creek."

An examination of the records of this office has been made with reference to the names of Nellie or Molly and Jim or Jimmy or Cheetan Jim, and the records show as follows:

- Jimmy, child of Yemma, applicant who received land;
- Jimmy, head of family, applicant who was rejected;
- Jimmy, child of Connehakee, applicant who received land;
- Jimmy, child of Neoktubbee, applicant who received scrip;
- Jimmy, child born after treaty of Neoktubbee, applicant who received scrip;
- Jimmy, deceased child under ten of Omah-cha-tubbee, applicant who received land;
- Molly, wife of Neoktubbee, who received land;
- Molly, wife of Neoktubbee, who was rejected;
- Molly, child of Tish-he-amitta, who received scrip;
- Molly, child of Intamba, who received scrip;
- Molly, child of Omah-heke, who received scrip;
- Molly, child of Pis-it-ek-ahbee, who received scrip.

In view of what the records of this office show with reference to the names of Jim, Jimmy and Molly, and the fact that the evidence is insufficient to establish the identity of the ancestors through whom they claim with the parties that appear on our records, it is recommended that this case be remanded to the Commission and that the applicants be given time in which to appear before the Commission with

such evidence as they may deem wise to establish the identity of the ancestors through whom they claim with the parties who appear on our records.

Very respectfully,

A. C. Tanner,

Acting Commissioner.

D.T.O. (8)

RECEIVED
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U.S. DEPT. OF THE INTERIOR
BUREAU OF LANDS

COPY.

Muskogee, Indian Territory, May 21, 1903.

Alice Johnson,

Gado, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of your application for the identification of yourself and minor children as Mississippi Choctaws, with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that you claim your Choctaw descent from Jim and Mollie, both of whom were alleged full blood Choctaws.

The Secretary of the Interior in his letter states:

"Reporting in the matter March 27, 1903, the Acting Commissioner of Indian Affairs furnished a report containing certain information taken from the records of the Indian Office, showing that there were a number of persons named Jim and Mollie, who received benefits under article 14 of the treaty of Dancing Rabbit Creek. It is possible that the ancestors Jim and Mollie from whom these applicants claim descent were identical in person with the said beneficiaries of the same name."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830,

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relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.
- 4th. The names and number of the persons who composed their families.
- 5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of applications for identification as Mississippi Choctaws, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications, a copy of which rules and regulations is herewith enclosed.

1 3 3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 22, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

SIGNED

Chairman

R. A. R. Dep.
Registered

COPY.

Muskogee, Indian Territory, May 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of May 12, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Alice Johnson for the identification of herself and minor children as Mississippi Choctaws, with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 22, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Tamm Birby.

Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MAY 29th, 1903.


M C R 6378

-----oOo-----

In the matter of the Mississippi Choctaw case of Alice Johnson, et al.

Now on this 29th day of May, 1903, comes Alice Johnson, the principal applicant in the above entitled cause, and files her motion for a continuance therein for thirty days from June 22, 1903, and, after consideration of said motion, it is the opinion of this Commission that the same should be granted and it is so ordered; and further, that said applicant be advised of the action of the Commission and that she be allowed until Wednesday, July 22, 1903, to introduce further evidence in support of the above entitled cause.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 23, 1903.

The Honorable,

The Secretary of the Interior:

Sir:

On February 20, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Alice Johnson, et al., together with its decision of February 4, 1903, refusing the application made by Alice Johnson for the identification of herself and minor children as Mississippi Choctaws.

With departmental letter of May 12, 1903 (I T D 3356-1903), the record in this case was returned in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission on May 21, 1903, notified the principal applicant, Alice Johnson, that she would be allowed up to and inclusive of June 22, 1903, to introduce additional evidence, in support of the application made by her for the identification of herself and her minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On May 26, 1903, the Commission received from Alice Johnson a motion for a continuance in her case for thirty days from

June 22, 1903, which said motion was granted.

No appearance having been entered by or on behalf of the applicants, and no additional testimony having been offered by them, the original record in said case, together with copies of notices furnished the principal applicant and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

McM 125

DC-26983.

(COPY)
DEPARTMENT OF THE INTERIOR.

WCF.
EAF.

WASHINGTON, September 23, 1903.

ITD.6546
3336-1903.
L.R.S.

Commission to the Five Civilized Tribes,
Muskegee, I. T.

Gentlemen:

July 23, 1903, you returned to the Department the record in the matter of the application for identification of Alice Johnson and her minor children, Maryland, Essie, Festus, Jr., and Lennie Johnson, as Mississippi Choctaw Indians.

The applicants claim rights to Choctaw Lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Jim and Nellie (or Molly), who are alleged to have been full blood Choctaw Indians, and John Swain who is alleged to have been three-fourths blood Choctaw Indian.

Your decision rejecting the applicants was rendered February 4, 1903. With Departmental letter of May 12, 1903, the case was remanded to you for further investigation inasmuch as it appeared that, from the records of the Indian Office, persons by the names of Jim and Nellie received benefits under article 14 of said treaty.

It appears that on May 21, 1903, you notified the principal applicant, Alice Johnson, that she would be allowed until June 22, 1903, to introduce additional evidence in support of her application; that on May 29, 1903, the Commission received from Alice Johnson a motion for continuance for thirty days from June 22, 1903, which motion was granted. In your letter of July 23, 1903, you state that no appearance had since been entered by or on behalf of the applicants, and no additional testimony had been offered by them.

Reporting August 29, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department believes that the interests of the applicants have been ^{duly} protected, and your decision rejecting them is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

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47047-1903.

(COPY)

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, August 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit a letter of the Commission to the Five Civilized Tribes, of the 23rd ultime, returning record in the Mississippi Choctaw case of Alice Johnson et al., wherein, with Departmental letter of May 12, 1903, (I.T.D. 3336-1903) the record in this case was remanded in order that the principal applicant might be granted opportunity to introduce additional evidence.

In accordance with the instructions of the Department, the Commission on May 21, 1903, notified the principal applicant that she would be allowed up to and inclusive of June 22, 1903, to introduce additional evidence in support of the application made by her for herself and minor children, and on the same date notice to the same effect was furnished the Attorneys for the Choctaw and Chickasaw Nations. On May 29, 1903, the Commission received from Alice Johnson a motion for a continuance in this case for 30 days from June 22nd, which motion was granted.

No other appearance having been entered by or on behalf

of the applicants up to and including July 22, 1903, and as additional testimony having been tendered, the original record in the case, together with copies of the notices furnished the principal applicant and the Attorneys for the Choctaw and Chickasaw Nations, is transmitted by the Commission for Departmental action.

The record in the original case shows that the applicants trace their ancestry to full-blood Choctaw Indians named Jim and Molly, both of whom were residents of Mississippi, and the records of this office show that there were persons of the name of Jim and Molly who were beneficiaries under the 14th Article of the Choctaw Treaty. The case as made in the original record was not sufficiently full to justify a holding that the Jim and Molly, from whom the applicant claims descent, were or were not any of these beneficiaries under the 14th Article of the Choctaw Treaty, of whom the office has record.

The applicants having been furnished ample opportunity to submit evidence to remove this doubt, and having failed to either furnish the evidence or show that the conditions imposed were such as to be beyond their ability to compass, it is my judgment that the decision of the Commission, rejecting them, should be approved, and I so recommend.

Very respectfully,

W. A. Jones,

Commissioner.

MBH/LKS.

COPY.

M.C.P. 6378.

Muskogee, Indian Territory, October 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28rd, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Alice Johnson, et al., of which decision you were advised by mail on the 4th, day of February, 1903.

Respectfully,

Tams Bixby.

Chairman.

COPY.

M.O.R. 6378.

Muskogee, Indian Territory, October, 7, 1903.

Alice Johnson,

Cardo, Indian Territory.

Dear Madam:

You are hereby notified that on the 25th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alice Johnson, et al., of which decision you were advised by registered mail on the 4th day of February, 1903.

Respectfully,

Yours,

Jane Bixby.
Chairman.

Muskogee, Indian Territory, April 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw case of Alice Johnson, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes adverse to the applicants, was, on February 20, 1903, forwarded to the Department.

May 12, 1903, the record was remanded for further hearing, and on July 23, 1903, again forwarded by the Commission to the Five Civilized Tribes.

The Secretary of the Interior on September 23, 1903, approved the decision above referred to.

This office is now in receipt of a petition from Apple & Franklin of Muskogee, Indian Territory, in which Alide Johnson prays for a rehearing of her case. The same is herewith transmitted for the consideration of the Department.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

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M.C.R. 6372.

Muskogee, Indian Territory. December 10, 1902.

Alice Johnson,

Gaddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th inst., in which you ask to be advised if the Commission has received from G.H. McPherson the affidavit of Emily Collier for filing in your case.

In reply, you are informed that no such affidavit has been received.

Respectfully,

Acting Chairman.

M.C.R. 6378.

Muskogee, Indian Territory, December 10, 1902.

Alice Johnson,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 6th inst., enclosing the affidavit of John Lewis offered for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

The same has been filed with the record in this case.

Respectfully,

Acting Chairman.

M C R 6378

Muskogee, Indian Territory, January 26, 1903.

Alice Johnson,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th inst., enclosing affidavit of Emily Gallop, offered for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

The same has been filed with the record in this case.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, July 28, 1903.

J. L. Rappelee,
Attorney at Law,
Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask for an extension of thirty days time in the Mississippi Choctaw case of Alice Johnson, et al., for the purpose of introducing further testimony in support of her claim.

In reply you are informed that the record in said case was, on July 23, 1903, forwarded to the Secretary of the Interior. Pending action thereon by him the Commission is without authority to receive or consider further evidence in support of this case.

Respectfully,

Commissioner in Charge.

Waskogee, Indian Territory, May 28, 1904.

Alice Johnson,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd instant, returning a letter written you from this office, under date of May 17, 1904. You state that this letter does not refer to your case.

In reply you are informed that it appears from our records that there are two persons by the name of Alice Johnson, of Caddo, Indian Territory, who made application to this Commission for identification as Mississippi Choctaws; and as you failed to give the number of your case when you made inquiry regarding the same, the Commission was unable to determine which Alice Johnson was the author of the letter dated May 9, 1904.

From the information contained in your last letter, you have been identified upon our records as the Alice Johnson, of Caddo, Indian Territory, who, on November 13, 1902, made application to this Commission for the identification of herself and four minor children, Maryland, Essie, Festus and Lonnie Johnson, as Mississippi Choctaws. On February 4, 1903, the Commission

A. J., 2.

rendered a decision refusing such application, and on February 20, 1903, the record in said case, together with the decision of the Commission, was forwarded to the Secretary of the Interior.

On May 12, 1903, the record in this case was remanded by the Secretary of the Interior to the Commission with instructions that you be granted an opportunity to introduce further testimony in support of your claim.

The Commission notified you by registered mail on May 21, 1903, that it would, at its office, at Muskogee, Indian Territory, up to and inclusive of Monday, June 22, 1903, hear the testimony of such witnesses as might present themselves in person and receive for consideration such documentary evidence as might be offered in support of your case. No appearance having been entered and no additional testimony having been offered, the original record in said case was returned to the Department on July 23, 1903.

The Secretary of the Interior, on September 23, 1903, approved the decision of the Commission of February 4, 1903, refusing the application made by you for the identification of yourself and four minor children as Mississippi Choctaws, of which Departmental action you were notified on October 7, 1903.

You have failed to submit sufficient evidence to establish

A. J., S.

your rights to lands in the Choctaw-Chickasaw country, Indian Territory, and the Commission now considers your case closed.

In making inquiry relative to their applications, applicants should always refer to the number of their application given in the upper right-hand corner of our letter and thus avoid any confusion in answers.

Respectfully,

Chairman.

MUR 6378

Muskegee, Indian Territory, November 24, 1905.

Geo. F. Robertson,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Under date of August 18, 1905, Alice Johnson, of Caddo, Indian Territory, addressed a communication to this office in which she requested to be advised on what grounds her claim was refused. She was notified on September 13, 1905, that it would be necessary for her to furnish further information in regard to her application, as it appears from our records that there were two persons at Caddo by the name of Alice Johnson.

This office is now in receipt of a letter from you under date of November 15, 1905, enclosing a communication from the Department and one from this office to said Alice Johnson; also her affidavit and the affidavit of Hannah Tom. Said papers were evidently forwarded for the purpose of identification.

With the return of the papers transmitted in your letter of the 15th instant, there is enclosed a copy of the decision of the Commission to the Five Civilized Tribes of February 4, 1903, refusing the application made by Alice Johnson for the identifica-

O F R 2

tion of herself and minor children as Mississippi Choctaws.
In said decision is set forth the grounds for the refusal of Alice
Johnson's application.

Respectfully,

Acting Commissioner.

MM 24/1

M C R 6378

Muskogee, Indian Territory, April 11, 1906.

Apple & Franklin,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th instant, transmitting petition for rehearing in the Mississippi Choctaw case of Alice Johnson, et al. The same has this day been transmitted to the Secretary of the Interior for consideration.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHB.

I. T. D. 9162-1906.
D. C. 46932.

October 24, 1906.

Y. P.
L. R. S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered the petition of Alice Johnson, a rejected Mississippi Choctaw claimant, for rehearing in the case of herself and children. The decision of the Department, affirming the decision of the Commission to the Five Civilized Tribes adverse to the claimants, was rendered September 23, 1905, after the case had been remanded to allow the principal applicant an opportunity to be further heard, of which opportunity she failed to avail herself properly.

The motion in question was received with your letter of April 11, 1906.

The motion is based mainly upon affidavits of Hannah Thomas. Originally the right as Mississippi Choctaws was claimed through the principal applicant's mother. Now it is alleged to be through her father, Jim (or Jimmy, or Choctaw Jim). The records of the Indian Office do not show any Jim (or Jimmy, or Choctaw Jim), who complied or attempted to comply with the 16th article of the treaty of 1830, whose father was named Tom, as alleged by Hannah Thomas.

The affidavits of the proposed witness are contradictory of the claim set up in the original testimony as to the mother of the principal applicant and in other material particulars. There is nothing in her affidavits that would warrant the conclusion that by such witness the applicants could establish the identity of the ancestor through whom they claim with the parties that appear on the records of the Indian Office, which is vaguely indicated in said affidavits might be done.

The motion is denied and the papers are returned herewith to the Indian Office.

Respectfully,

E. A. Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs.

7 inc. to Ind. Of.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. FEB.

I. T. D. 9162-1906.
D. C. 46932.

October 24, 1906.

Y. P.
L. R. S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

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The motion is based mainly upon affidavits of Hannah Thomas. Originally the right as Mississippi Choctaws was claimed through the principal applicant's mother. Now it is alleged to be through her father, Jim (or Jimmy, or Choctaw Jim). The records of the Indian Office do not show any Jim (or Jimmy, or Choctaw Jim), who complied or attempted to comply with the 14th article of the treaty of 1830, whose father was named Tom, as alleged by Hannah Thomas.

The affidavits of the proposed witness are contradictory of the claim set up in the original testimony as to the mother of the principal applicant and in other material particulars. There is nothing in her affidavits that would warrant the conclusion that by such witness the applicants could establish the identity of the ancestor through whom they claim with the parties that appear on the records of the Indian Office, which is vaguely indicated in said affidavits might be done.

The motion is denied and the papers are returned herewith to the Indian Office.

Respectfully,

E. A. Hitchcock,
Secretary.

Through the Commissioner
of Indian Affairs.

7 inc. to Ind. Of.

WCR-6378.

Muskogee, Indian Territory, November 2, 1906.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

There is enclosed herewith copy of Departmental letter of October 24, 1906 (I. T. D. 9162-1906), denying the motion filed by you, April 11, 1906, praying for a rehearing in the Mississippi Choctaw case of Alice Johnson et al.

Respectfully,

WLM.
Encl. 2/2

Commissioner.

MUR-6378.

Muskogee, Indian Territory, November 2, 1906.

Alice Johnson,
Caddo, Indian Territory.

Dear Madam:

You are hereby notified that on October 24, 1906, the Secretary of the Interior denied a motion, filed April 11, 1906, by Apple & Franklin, attorneys at law, Ardmore, Indian Territory, for a rehearing in the Mississippi Choctaw case of Alice Johnson et al.

Respectfully,

Commissioner.

MUR-6378.

Muskogee, Indian Territory, November 2, 1906.

Manefield, McMarrray and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith copy of Departmental letter of October 24, 1906 (I. T. D. 9162-1906), denying the motion filed by Apple & Franklin, April 11, 1906, praying for a rehearing in the Mississippi Choctaw case of Alice Johnson et al.

Respectfully,

WLM.
Encl. 2/1

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHROON.

Date

NOV 13 1902

Name Alice Johnson

Age 37 -

Blood

$\frac{3}{4}$

Post Office, Caddo. L. T.

Father: John Swain,

d.

Mother: Phoebe ..

d.

Claims through mother full
Newland -
Festus Johnson, L. colored
no claim for husband

Children:

Maryland Johnson, M. 16

Esie " 12

Festus " Jr. 10

Lonnie " 4

Claims for self &
4 minors.

Stenographer

R. B. Rountree

Choctaw MCR 6379

Mattie Adams

MCR 6379

No. 6379.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T. November 14, 1902.

In the matter of the application of Mattie Adams for the identification of herself and her three minor children, Leon, Quincy, and Ila Adams, as Mississippi Choctaws.

Appearance: J. O. Peel, attorney for applicant.

Mattie Adams, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Mattie Adams.
Q What is your age? A Twenty-six.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived in Ferris? A I have lived right along there all my life.
Q Were you born in Texas? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Bob Peel.
Q What is your mother's name? A Essie Peel.
Q Has she been before the Commission, has she not, to be identified as a Mississippi Choctaw? A Yes, sir.
Q Do you claim your Choctaw blood through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A One-eighth.
Q You claim your mother was one-fourth Choctaw? A Yes, sir.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Will Adams.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him as a Choctaw Indian? A No, sir.
Q Have you any children under age and unmarried for whom you wish to make application? A Yes, sir.
Q Give me their names, commencing with the eldest? A Leon (boy) six years old.
Q What is the next? A Quincy, four years old.
Q The next? A Ila, two years old.
Q Is that all? A Yes, sir.
Q You claim for yourself and these three children? A Yes, sir.
Q Is Will Adams the father of these three children? A Yes, sir.
Q Were either he or you married before you married each other? A No, sir.
Q Are you living with your husband and are these children all living

- with you at home? A Yes, sir.
- Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for any of these children to the Choctaw tribal authorities, or to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A No, sir.
- Q Have you or have any of your minor children been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself and these minor children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Well I don't know.
- Q You have heard of it have you? A Yes, sir.

A treaty is an agreement or compact in writing made between nations. An article in a treaty is one of its subdivisions or sections. In 1830, under an act of Congress approved September twenty-seventh of that year a treaty was made between the United States and the Choctaw Indians at a place in Mississippi called "Dancing Rabbit Creek." That treaty was made for the purpose of removing the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory under the general provisions of the treaty and in order to protect the interests of these Choctaws who preferred to remain in the old Choctaw Nation, article fourteen was drafted and put into the treaty. That article is the article under which you are making your claim to-day, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Jim Brookshire.

- Q What relation was he to you? A Great-grandfather.
- Q How much Choctaw blood did he have? A Three-quarters I reckon--
more than one-half.
- Q You don't know exactly? A No.
- Q Do you know the name of his wife? A No, sir.
- Q You claim through your mother? A Yes.
- Q And she claims through whom--her father or mother? A Her father.
- Q His name was what? A Graves Brookshire.
- Q And he claimed through whom--his father? A His father.
- Q Did he claim anything through his mother? A Yes.
- Q You don't know her name? A No, sir.
- Q Do you know about how much Choctaw blood she had? A About one-half.
- Q Was their son a full blood Choctaw? A No, sir.
- Q His name was Graves? A Yes.
- Q How much Choctaw blood did he have? A One-half.
- Q Now did Jim Brookshire or his wife live in the old Choctaw Nation,
either in Mississippi or Alabama, in 1830, and were they the
heads of a family there at that time? A Yes, sir.
- Q Now do you know whether either of them, or any Choctaw ancestor of
yours, held or claimed any land in the old Choctaw Nation in
1830 under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of them own improvements on land in the old Choctaw Na-
tion in 1830 or 1831? A I don't know.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw
Nation in either Mississippi or Alabama for five years and
at the end of that time receive a deed or patent for it from the
government? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the
ratification of the treaty of 1830 go to the United States Indian
Agent, Colonel Ward, and tell him they wanted to register under
article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation
east of the Mississippi river to the Choctaw Indian Territory
with the other Indians between the years 1833 and 1838 or 1840?
A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation
east of the Mississippi river to the Choctaw Nation, Indian Terri-
tory, at any time previous to this application made by you to-
day? A I don't know.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go before the United States Indian Agent within six months after the ratification of the treaty and register under said article. This a great many Indians did but their names were not recorded on the Agent's register. Because of this neglect on the part of the Agent a great many Choctaw Indians had their lands in the old Choctaw Nation, upon which they had improvements, taken from them and sold by the government at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, a Commission was appointed to go down to Mississippi and hear claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress, approved August 23rd of that year, another Commission was appointed for the same purpose, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions appointed in 1837 and in 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their lands in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q What relation are you to Sarah E. Babb? A Second cousin.
- Q She has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you want to have your case consolidated with hers and the cases of other relatives who claim through the same common ancestor? A Yes, sir.

The case of Sarah E. Babb No. M.C.R. #356, is here referred to for the purpose of consolidation.

- Q Have you any other evidence you wish to present at this time? A No, sir.

Upon request of J. O. Pool, counsel for applicant, 30 days time from date hereof is granted applicant in which to introduce additional evidence in support of her claim.

Applicant has the appearance and physical characteristics of being descended from white parentage; very dark brown hair, blue eyes, medium fair complexion; does not understand the Choctaw language, and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. Sawyer

Notary Public.

W. H. H.

M C R 6379

COPY.

Muskogee, Indian Territory, April 5, 1904.

Mattie Adams,
Perris, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb, et al., including yourself and children Leon Adams, Quincy Adams, and Ella Adams.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. McKee.

Commissioner in Charge.

Registered.

M. C. R. 6379

Muskogee, Indian Territory, September 26, 1904.

Mattie Adams,

COPY.

Farris, Texas,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Leon Adams, Quincy Adams and Ila Adams, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

SIGNED

James Dixby.

Chairman.

MUR-6379

Muskogee, Indian Territory, October 20, 1906.

Mattie Adams,
Perris, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Peol, for review of the consolidated Mississippi Choctaw case of Sarah E. Habb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No.

✓ 6070

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 14 1902

Name *Mattie Adams*

Age *26* Blood *1/8*

Post Office, *Ferris, Texas.*

Father: *Bob. Deel* l.

Mother: *Erie* " l.

Claims through *mother* 1/4

Husband

Will Adams. l. w.

No claim for husband

Children:

Leon Adams. 6

Quincy " 4

Ila " F. 2

*Claims for self &
3 minor.*

Stenographer

R. B. Ewing

Mattie Adams et al
REFUSED.

DECISION RENDERED MAR 15 1904

**NOTICE OF DECISION FORWARDED
APPLICANT APR**

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

NOTICE
FORWARDED TO
FOR APPLICANTS.

**RECORD FORWARDED DEPARTMENT
APR**

**ACTION APPROVED BY
SECRETARY OF INTERIOR
AUG 22 1904**

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

SEP 1 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW

RECEIVED BY U. S. DEPT. OF INT.

Choctaw MCR 6380

Ollie Adams

MCR 6380

No. 6590.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. November 14, 1902.

In the matter of the application of Ollie Adams for the identification of herself and her minor child, Earnest Adams, as Mississippi Choctaws.

Appearance: J. O. Pool, attorney for applicant.

Ollie Adams, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Ollie Adams.
Q What is your age? A Nineteen.
Q What is your post office address? A Ferris, Texas.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Bill Sheffield.
Q What is your mother's name? A Sallie Sheffield.
Q Do you claim through your father or your mother? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q Has she been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A John Adams.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian or a white man? A A white man.
Q Do you make any claim for him? A No, sir.
Q How many children have you for whom you wish to make application? A One.
Q What is its name and age? A Earnest, age 1 year.
Q You claim for yourself and this one child? A Yes, sir.
Q Is your husband, John Adams, the father of Earnest? A Yes, sir.
Q Were either you or your husband married before you married each other? A No, sir.
Q Are you living together as husband and wife and is this child living with you at home? A Yes, sir.
Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities either for yourself or this child? A No, sir.
Q Have you ever made application for citizenship for yourself or this child in the Choctaw Nation to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities,

- the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified with your child as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. This treaty was made for the special purpose, on the part of the government, of removing the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory, and in order to protect the interests of those Indians who preferred to remain in the old Choctaw Nation, article fourteen was drafted and put into the treaty. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830? A No, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Jim Brookshire, my great-grandfather.
- Q What is the name of his wife? A I don't know.
- Q Did she have any Choctaw blood? A One-half.
- Q How much Choctaw blood did Jim Brookshire have? A More than one-half.
- Q Was he your great-grandfather or your grandfather? A My great-grandfather.
- Q And his wife was your great-grandmother? A Yes, sir.
- Q Do you know how much Choctaw blood Jim Brookshire had? A No, sir--more than one-half.
- Q How do you know he had one-half, or more, of Choctaw blood? A That is what they told me.
- Q How do you know his wife had one-half Choctaw blood? A Mother told me.

- Q Did they live in Mississippi in 1830? A I don't know, sir-- they lived in Mississippi.
- Q But you don't know when? A No, sir.
- Q You have heard through members of the family that they did live in Mississippi but you cannot state if they lived there when the treaty of 1830 was made? A No, sir.
- Q Do you know if they, or any of your Choctaw ancestors, complied with the treaty of 1830 by going within six months after the ratification thereof to Colonel Ward and registering or attempting to register under article fourteen of that treaty? A I don't know, sir.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and at the end of that time receive a deed or patent from the government for the land? A No, sir.
- Q Do you know whether they had land at any time which they received from the government under the treaty of 1830? A No, sir.
- Q Do you know if any of them owned improvements on land in the old Choctaw Nation in 1830 or 1831? A No, sir.
- Q Did any of your Choctaw ancestors, Jim Brookshire, his wife, or any others, go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory between the years 1833 and 1838 or 1840? A No, sir.
- Q Did they go to Indian Territory at any time previous to this application made by you to-day? A I don't know.
- Q How old would Jim Brookshire, or his wife--either of them--be if living to-day? A I don't know.
- Q Did either of them speak the Choctaw language? A No, sir.
- Q You are quite sure that neither of them received a patent for land from the government? A Yes, sir.

The Choctaw Indians who stayed back in the old Choctaw nation after the treaty of 1830 was ratified, were required if they wanted to take advantage of article fourteen of that treaty, to go to Colonel Ward, the Indian Agent, within six months after the ratification of the treaty, and register or attempt to register under that article. A good many Indians did this whose names Colonel Ward refused or neglected to put on his register. Because of his neglect many Indians who had land in the old Choctaw Nation, upon which they had improvements, had both their lands and improvements taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in either Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830 and who also proved that they had their land in the old Choctaw Nation taken from them and sold by the government.

- Q Do you speak the Choctaw language? A No, sir.
Q What relation is Sarah E. Babb to you? A Second cousin.
Q She has been before the Commission? A Yes, sir.
Q Do you wish to have your case consolidated with hers? A Yes, sir.

Case of Sarah E. Babb, M.C.R. 6356 is here referred to for the purpose of consolidation.

- Q Have you any additional evidence you want to present before the Commission now? A No, sir.

Upon request of counsel for applicant 30 days time from date hereof is granted applicant within which to submit further testimony in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair; gray eyes, medium fair complexion; does not understand the Choctaw language, and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. E. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. E. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. Sauer

Notary Public.

M C R 6380

COPY.

Muskogee, Indian Territory, April 5, 1904.

Ollie Adams,
Ferris, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 18, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb, et al., including yourself and child Earnest Adams.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.


Commissioner in Charge.

M.C.R. 6380

Muskogee, Indian Territory, September 26, 1904.

Copy.

Ollie Adams,

Durant, Indian Territory,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself and Earnest Adams, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 8th day of April, 1904.

Respectfully,

(SIGNED)

Jame E. Kirby.

Chairman.

MUR-6380

Muskogee, Indian Territory, October 20, 1906.

Ollie Adams,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and child is a part.

Respectfully,

Commissioner.

No. 100
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 14 1902

Name Ollie Adams.

Age 19

Blood 1/8

Post Office, Ferris, Texas

Father Bill Sheffred, l.

Mother: Sallie " l

Claims through mother -

Husband

John Adams l. w.

No claim for husband

Children.

Earnest Adams, 1 yr.

Claims for self &
1 child

Stenographer

R. B. Ewing

Ollie Adams et al
REFUSED.

NOTICE OF DECISION FORWARDED
APPLICANT

APR - 5 1904

SECRETARY OF INTERIOR.
AUG 22 1904

NOTICE OF DEPARTMENTAL ACTION
ACTION MADE REFUSED
SEP 10

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTENTION FOR PROTEST
AND RECONSTRUCTION

Durant, J. T. 4/14/04

Choctaw MCR 6381

Arkie Snow

MCR 6381

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T. November 14, 1902.

In the matter of the application of Arkie Snow for the identification of herself and her five minor children, Mandie, Been, Clyde, George and Willie May Snow, as Mississippi Choctaws.

Appearance: J. O. Pool, attorney for applicant.

Arkie Snow, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Arkie Snow.
Q What is your age? A Thirty.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived in Ferris? A 27 years.
Q Where were you born? A In Arkansas.
Q Where in Arkansas? A I could not tell.
Q You went from Arkansas to Texas? A Yes.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Robert Simpkins.
Q What was your mother's name? A Mary Simpkins.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q What is your husband's name? A William Snow.
Q Is he living? A Yes.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No, sir.
Q Give me the names of your minor children for whom you wish to make application commencing with the oldest? A Mandie, age 11, Been (boy) 8 years old, Clyde, 6 years, George, 4 years, and Willie May (girl), 1 year old.
Q You claim for yourself and these children? A Yes, sir.
Q Is William Snow the father of these children? A Yes, sir.
Q Are you and your husband living together and are these children all living with you at home? A Yes, sir.
Q Were either you or your husband married before? A No, sir.
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for yourself or for any of your children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made such application for yourself or for your children to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.

- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q You now come before the Commission to identify yourself and your minor children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you care to have it explained? A No, sir.
- Q Without the explanation article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830? A No, sir.
- Q Who do you claim through? A My mother.
- Q Going back as far as you can; can you go back further than your mother? A No, sir, I was young when she died.
- Q Did you ever hear about Jim Brookshire? A Yes, sir.
- Q Who was he? A My great-grandfather.
- Q Did he have any Choctaw blood? A Yes, sir.
- Q How much? A Over one-half.
- Q Did his wife have any Choctaw blood? A I think they said she did; I don't know much about it.
- Q You don't know how much Choctaw blood she had? A No.
- Q Did Jim Brookshire live in Mississippi in 1830? A I don't know.
- Q Did he ever live there? A Yes, sir.
- Q But you can't tell when? A No, sir.
- Q You don't know if he was there in 1830 and the head of a family at that time? A No, sir.
- Q Do you know if Jim Brookshire held any land on which he lived for five years and at the end of that time receive a patent from the government for it? A No, sir.
- Q Do you know if any of your Choctaw ancestors, Jim Brookshire, or any other, owned or held any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A No, sir.
- Q Did he, or any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states? A No, sir.
- Q Did Jim Brookshire or any of your Choctaw ancestors go from that

old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians, between the years 1833 and 1838 or 1840? A Not that I know of.

- Q Did he or any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, for the purpose of effecting a settlement at any time previous to this application made by you to-day? A Not that I knew of.
- Q Did any of your Choctaw ancestors own or claim any improvements on land in the old Choctaw Nation under article fourteen of the treaty of 1830? A No, sir.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified, refusing to go to the Indian Territory under the treaty, were required, if they wanted to take advantage of article fourteen of the treaty, to go to Colonel Ward and tell him they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states; in other words, that they wanted to register and this had to be done within six months after the ratification of the treaty. A great many Choctaw Indians did this whose names Colonel Ward refused or neglected to put on his register. This neglect on the part of Colonel Ward caused many of the Indians who had lands in the old Choctaw Nation, upon which they had improvements, to lose both their lands and improvements, the government having taken both and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act of Congress approved August 23rd of that year, another Commission was appointed which Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions appointed in 1837 and in 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under act of Congress approved August 23, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830 and who also proved that they had their land in the old Choctaw Nation taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is Sarah B. Babb related to you? A She is my aunt.
- Q She has been before the Commission? A Yes, sir.
- Q Would you like to have her case consolidated with yours? A Yes.

The case of Sarah B. Babb, M.C.R. 6556, is here referred to for the purpose of consolidation.

- Q Have you any other evidence you wish to present now? A No.

Upon request of counsel for applicant, thirty days time from date hereof is granted applicant within which to introduce additional testimony in support of this case.

Applicant has the appearance and physical characteristics of being descended from white parentage; has very dark hair--a dark brown--almost black, gray eyes, medium fair complexion; does not understand the Choctaw language, and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of the fourteenth article of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. Langford

Notary Public.

M. A. A. 66.1.

60

Muskogee, Indian Territory, April 5, 1904.

Askins Snow,

Ferris, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including you and your children Maudie Snow, Roen Snow, Clyde Snow, George Snow and Willie May Snow.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

T. B. Needles

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

COPY.

Arkine Snow,

Farris, Texas,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Mandle Snow, Bean Snow, Clyde Snow, George Snow and Willie May Snow, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 8th day of April, 1904.

Respectfully,

Tams Bixby.

Chairman.

WCR-6861

Muskogee, Indian Territory, October 20, 1906.

Archie Snow,
Ferris, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No.

6381

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 14 1902

Name *Archie Snow*

Age *30* — Blood *'18*

Post Office, *Fernis, Texas.*

Father: *Robert Simpkins, d.*

Mother: *Mary " d*

Claims through *mother*

Husband

William Snow, l. w.

No claim for husband

Children:

Maudie Snow. " 11

Boen " M 8

Glyde " " 6

George " 4

Willie May " (F) 1

*Claims for self &
5 minor*

Stenographer

R.B. Eversong -

Archie Snow et al
REFUSED.

DECISION RENDERED

MAR 15 1904

NOTICE OF DECISION FORWARDED

APPLICANT

APR - 5 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

NOTICE

FORWARDED

FOR APPLICANT

RECORD FORWARDED DEPARTMENT

APR 27 1904

ACTION APPROVED BY

DEPARTMENT OF INTERIOR

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

1. FILED IN CASE NO. 630

Choctaw MCR 6382

Stephana Morris

MCR 6382

M.C.R. 6382.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. November 14, 1902.

In the matter of the application of Stephana Morris for the identification of herself and her minor child, Vronde Morris, as Mississippi Choctaws.

Appearance: J. O. Pool, attorney for applicant.

Stephana Morris, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Stephana Morris.
Q What is your age? A Twenty.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived at Ferris? A I was born and raised there.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A William Biggs.
Q What is your mother's name? A Maggie Biggs.
Q Do you claim your Choctaw blood through your father or your mother? A My mother.
Q Has your mother been before the Commission? A Yes, sir.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q You claim your mother is one-fourth Choctaw? A Yes.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q What is your husband's name? A Ed Morris.
Q Is he living? A Yes.
Q Is he a white man? A Yes, sir.
Q Do you make any claim for him? A No, sir.
Q You have one child? A Yes, sir.
Q What is its name and age? A Vronde, 6 months old.
Q You claim for yourself and child? A Yes, sir.
Q Is Ed Morris the father of Vronde? A Yes, sir.
Q Are you and your husband living together and is this child living with you at home? A Yes, sir.
Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.

- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or this child to the Choctaw tribal authorities or to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A No, sir.
- Q Have you or your minor child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q You now come before the Commission to identify yourself and this minor child as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir.

The treaty of 1830 was made at a place in Mississippi called Dancing Rabbit Creek, and was concluded September 27th of that year. This treaty was made between the United States and the Choctaw tribe of Indians. The object of the treaty on the part of the government was to remove the Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, because these Indians could not be removed without their free consent. A good many Indians refused to go to Indian Territory under the general provisions of the treaty and in order to protect the interests of those who would not go, article fourteen was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? (No answer).
- Q Go back to an ancestor, if you can, who lived in the old Choctaw Nation in 1830? A My grandmother and great-grandfather.
- Q Do you claim through your grandmother and great-grandfather? A Yes, sir.
- Q Give your grandmother's name? A Mailine Conn.
- Q She has not made application has she? A I don't know.

- Q What was her father's name? A Jim Brookshire
- Q Do you know the name of Jim Brookshire's wife? A No, sir.
- Q How much Choctaw blood did Jim Brookshire have? A More than one-half.
- Q Do you know exactly how much? A No, sir.
- Q Did his wife have any Choctaw blood? A Yes, sir.
- Q How much? A One-half.
- Q How do you know that Jim Brookshire had more than one-half and his wife one-half Choctaw blood? A I have been told.
- Q How old would Jim Brookshire be if living now? A I don't know.
- Q Did he live in Mississippi in 1830 and was he the head of a family there at that time? A I don't know.
- Q Did you ever hear of an ancestor of yours who lived in Mississippi or Alabama in 1830? A No, sir.
- Q And was the head of a family there then? A No, sir.
- Q Did Jim Brookshire or his wife, or any Choctaw ancestor of yours, receive land in the old Choctaw Nation, in either Mississippi or Alabama, from the government under article fourteen of the treaty of 1830, and live on it for five years after which they received a deed or patent from the government? A I don't know.
- Q Did either Jim Brookshire or his wife, or any of your Choctaw ancestors, receive or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1836 or 1840? A I don't know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory for the purpose of making a residence at any time previous to this application made by you to-day? A I don't know.

The Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of that treaty, to go to Colonel Ward, the Agent, within six months after the ratification of the treaty, and tell him they wanted to remain in the old Choctaw Nation, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put on his list. Because of this neglect these Indians who tried to register under article fourteen lost their land in the old Choctaw Nation upon which they had improvements, the government having taken both land and improvements and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these Commissions appointed in 1837 and in 1842 and claimed

any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.

- Q Did any of your Choctaw ancestors receive scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23rd, 1848, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their land in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
Q Is Sarah E. Babb a relative of yours? A Yes, my aunt.
Q Has she been before the Commission to make application for identification as a Mississippi Choctaw? A Yes, sir.
Q Do you want to have your case consolidated with hers? A Yes, sir.

The case of Sarah E. Babb, M.C.R. 6356, is here referred to for the purpose of consolidation.

Upon request of counsel for applicant, thirty days time from date hereof is granted for the purpose of introducing additional evidence in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair, gray eyes, medium light complexion; does not understand the Choctaw language, and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. Sawyer
Notary Public.

Next

M.C.R. 4362.

COPY.

Muskogee, Indian Territory, April 5, 1904.

Stephane Morris,

Farris, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Rabb et al., including you and your child Vronde Morris.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECORDED

E. P. Mankins.

Commissioner in Charge.

Registered.

M.C.R. 6382

Muskogee, Indian Territory, September 26, 1904.

COPY.

Stephana Morris,

Ardmore, Indian Territory.

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself and Wende Morris, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

Jama Dixey
Chairman.

711m

REFER TO ONLY TO THE FOLLOWING:
NCR-6382

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 20, 1906.

Stephana Morris,
Ardmore, Indian Territory.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and child is a part.

Respectfully,



Commissioner.

No 1002
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 14 1902

Name *Stephana Morris*

Age *20* - Blood *1/8*

Post Office, *Ferris, Texas*

Father: *William Biggs*. *l*

Mother: *Maggie* .. *l*

Claims through *mother 1/4*

Husband

Ed Morris l. w.

No claim for husband

Children.

Urondo Morris M. 6m.

*Claims for self &
child.*

Stenographer

R.B. Evans

Stephania Morris et al
REFUSED.

NOTICE OF DECISION FORM NO. 100
DANTAL - 5 1904

COPY OF
ATTORNEY
CHICKASAW

ATTORNEY
TAWANG

04

ACTION APPROVED BY
SECRETARY OF INTERIOR.
AUG 22 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT
SEP 1 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

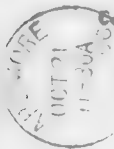
NOTICE OF DEPARTMENTAL ACTION

O. Ardmore, J. T. 4/19/04



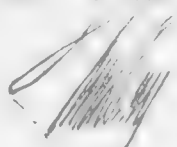
DEPARTMENT OF COMMERCE

Commissioner of Fish and Fisheries



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Commissioner.

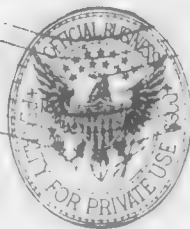


6382

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Stephana Morris,

~~Muskogee, Ind. Ter.~~
Muskogee, Ind. Ter.

Choctaw, MCR 6383

Willie Tubb

MCR 6383

M.C.R. 6383.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. November 14, 1902.

In the matter of the application of Willie Tubb for the identification of herself and her minor child, Fay Tubb, as Mississippi Choctaws.

Appearance: J. O. Pool, attorney for applicant.

Willie Tubb, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Willie Tubb.
Q What is your age? A Eighteen.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived in Ferris? A I was raised there.
Q Were you born in Texas? A In Tennessee.
Q How long did you live in Tennessee? A I came from there when I was a baby.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A William Biggs.
Q What is your mother's name? A Maggie Biggs.
Q She has made application to be identified as a Mississippi Choctaw? A Yes, sir.
Q Do you claim through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A One-eighth.
Q You claim your mother is one-quarter Choctaw blood? A Yes.
Q Has she ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Sam Tubb.
Q Is he living? A Yes, sir.
Q Is he a white man? A Yes, sir.
Q Do you make any claim for him? A No, sir.
Q You have one child? A Yes, sir.
Q What is its name and age? A Fay Tubb, 4 months old.
Q You claim for yourself and this child? A Yes, sir.
Q Is Sam Tubb the father of Fay? A Yes.
Q Are you and your husband living together and is this child living with you at home? A Yes, sir.
Q Were either you or your husband married before you married each other? A No, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities? A No, sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission under act of Congress of June 10, 1896?
No, sir.
- Q Have you ever made application to any authority for citizenship in the Choctaw Nation previous to this application made by you today? A No, sir.
- Q Do you now come before the Commission to identify yourself and your child as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi, and was concluded on the 27th day of September, 1830. The object of the treaty, on the part of the government, was to remove as far as possible the Choctaw Indians from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to Indian Territory, and in order to protect the interests of those who preferred to remain in the old Choctaw Nation, article fourteen was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A My mother.
- Q Going back as far as you can? A Jim Brookshire.
- Q How much Choctaw blood did he have? A One-half.
- Q What relation was he to you? A Great-grandfather.
- Q Did his wife have any Choctaw blood? A Yes.
- Q What was her name? A I don't know.
- Q How much Choctaw blood did she have? A One-half.
- Q Did either or both of them live in Mississippi in 1830 and were the heads of a family there at that time? A I don't know.
- Q Did you ever hear that they lived in Mississippi at all? A Yes.
- Q But you don't know when they lived there? A No.
- Q How old would they be, either of them, if living now? A I don't know.
- Q Do you know when Jim Brookshire or his wife were born and where? A No.

- Q Do you know when and where either of them died? A No.
- Q Do you know what children they had living with them in Mississippi in 1830? A No, sir.
- Q Did either Jim Brookshire or his wife receive land in Mississippi in the old Choctaw Nation from the government on which they lived for five years and at the end of that time get a patent from the government? A I don't know.
- Q Did either of them own land or claim land in that old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did either of them, or any of your Choctaw ancestors, go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to register under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A I don't know.
- Q Did Jim Brookshire or his wife, or any of your Choctaw ancestors, go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory for the purpose of effecting a residence at any time previous to this application made by you to-day? A I don't know.

The Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama refusing to go to the Indian Territory, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go within six months after the ratification of the treaty to the United States Indian Agent and tell him that they wanted to stay there, take land in the old Choctaw Nation, and become citizens of the states. A good many Indians did this whose names Colonel Ward, the Agent neglected or refused to put on his list known as Ward's register. Because of his neglect to register their names many of the Choctaw Indians who had land in the old Choctaw Nation, upon which they had improvements, lost both their lands and improvements, both having been taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions appointed in 1837 and in 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress of August 23, 1842, and was given to these Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their land taken from them in the old Choctaw Nation by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
Q Are you related to Sarah E. Babb? A She is my aunt.
Q Do you want to have your case consolidated with hers? A Yes, sir

The case of Sarah E. Babb, M. C. R. 6356, is here referred to for the purpose of consolidation.

- Q Have you any further evidence you wish to present before the Commission at this time? A No, sir.

Upon request of counsel for applicant, thirty days time from date hereof is granted for the purpose of submitting additional testimony in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; has light brown hair, blue eyes, fair complexion; has no knowledge of the Choctaw language and and no knowledge of any compliance on the part of ~~your~~ her Choctaw ancestors with the provisions of the fourteenth article of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on oath that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause taken on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. ...
Notary Public.

Met

Muskogee, Indian Territory, April 5, 1904.

Willie Tubb,

Ferris, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including you and your child Fay Tubb.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Commissioner in Charge.

COMM. TO THE
FIVE CIVILIZED TRIBES
OF KENTUCKY
AND OHIO

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 4500

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 26, 1904.

Willie Tubb,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself and Fay Tubb, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 8th day of April, 1904.

Respectfully,



Chairman.

WCR-6383

Muskogee, Indian Territory, October 20, 1906.

Willie Tubb,
Ferris, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and child is a part.

Respectfully,

Commissioner.

No
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date NOV 14 1902

Name Willie Tubb

Age 18 Blood 1/8

Post Office Ferris Texas

Father William Briggs, l.

Mother Maggie " l

Claims through mother 1/4

Husband

Sam Tubb - l. w.

No claim for husband

Children

Fay Tubb - F. 4 m

Claims for self &
child

Stenographer R. B. Emerson -

Willie Tubb et al
REFUSED.

NOTE: DECISION
APPLICABLE

DECISION FOR
APPLICABLE
CLERK

1914

DEPT. OF INTERIOR
AUG 2 1914

DEPARTMENT

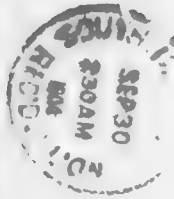
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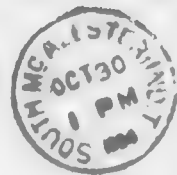
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

General Price

Willie Tubb,



Choctaw MCR 6384

Sallie Cobb

MCR 6384

M.C.R. 6384.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T. November 14, 1902.

In the matter of the application of Sallie Cobb for the identification of herself as a Mississippi Choctaw.

Appearance: J. O. Pool, attorney for applicant.

Sallie Cobb, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Sallie Cobb.
Q What is your age? A Thirty.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived there? A About 26 years.
Q Where were you born? A In Arkansas.
Q What place in Arkansas? A Well, I don't know.
Q Did you go from Arkansas to Texas? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A John Cobb.
Q What is your mother's name? A Harriet Cobb.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-fourth.
Q Your mother has one-half? A Yes, sir.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I don't know.
Q You never heard she was? Did she live in Indian Territory? A No, sir.
Q She could not have been enrolled then if she has never lived here? A No, sir.
Q You are not married? A No, sir.
Q You claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five civilized tribes or by the United States Court in Indian Territory? A No, sir.
Q Is this the first application of any kind you have ever made for citizenship in the Choctaw Nation? A Yes, sir.

- Q Do you now come before the Commission to make application for identification as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A No, sir, I don't believe I do.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek and was concluded on the 27th day of September, 1830. The object of the treaty on the part of the government was to remove, as far as practicable, the Choctaw Indians from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to Indian Territory under the general provisions of the treaty, and in order to protect the interests of those who preferred to remain in the old Choctaw Nation, article fourteen was drafted and put into the treaty. The treaty was then ratified on the 24th day of February, 1831. Article fourteen under which you make your claim is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A My great mother's grandmother and grandfather.
- Q Give me the name of your great-grandfather? Jim Brookshire.
- Q How much Choctaw blood did he have? A One-half.
- Q Did his wife have any Choctaw blood? A I think so.
- Q Do you know? A I don't know for certain.
- Q Did Jim Brookshire live in Mississippi in 1830 and have a family there then? A I don't know.
- Q You don't know whether he was the head of a family there in 1830? A No, sir.
- Q Did he ever live in Mississippi or Alabama? A Yes, sir.
- Q Which--in Mississippi or Alabama? A I don't know--I think he lived in both places but I don't know when.
- Q Do you know whether he or his wife, or any Choctaw ancestors of yours received land from the government in the old Choctaw Nation under article fourteen of the treaty of 1830 and lived on it for five years, after which they received a patent from the government? A No, sir.

- Q Did any of your Choctaw ancestors claim any land under article fourteen of the treaty of 1830 in the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors go within six months after the ratification of the treaty of 1830 to the Indian Agent and attempt to register under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time previous to this application made by you for the purpose of effecting a residence there? A I don't know.
- Q Don't you know if any of them went to the Choctaw Nation Indian Territory between the years 1833 and 1838 or 1840? A I don't.
- Q Did any of them own improvements on land in the old Choctaw Nation in 1830 or 1831? A No, sir.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go within six months from the ratification thereof to the United States Indian Agent and tell him that they wanted to register. A great many Choctaw Indians did this whose names Colonel Ward refused or neglected to put on his list known as Ward's register. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress approved March 3rd of that year a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23, of that year, another Commission was appointed which Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commission and claim any benefits as Choctaw Indians under the fourteenth article of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had their land in the old Choctaw Nation taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any other evidence you want to present now? A No, sir.
- Q Are you related to Sarah E. Babb? A Yes, second cousin.
- Q Do you want to have her case and your case consolidated? A Yes, sir.

The case of Sarah E. Babb, M. C. R. 6356, is here referred to for the purpose of consolidation.

Examination by J. O. Pool:

- Q You claim through your grand parents on both sides of your moth-

- er--on the side of your mother's father and your mother's mother, the Brookshires and Haynes'? A Yes, sir.
- Q What was Haynes' first name? A A. Y. or Andrew Young--that is my grandfather on my mother's side.
- Q Do you know whether Haynes, your grandfather, ever availed himself of the benefits of the fourteenth article of the treaty of 1830 by applying to the United States Indian Agent? A No, sir.
- Q You have never heard? A No, sir.
- Q You have only been taught that he was an Indian--as it has been handed down through the family? A Yes.
- Q Is it a fact, or not, that you have been told that James Brookshire did apply to the United States Indian Agent and was rejected? A I don't know, but I think he did.
- Q You have heard so through the family? A I don't know.
- Q You don't recollect? A I don't believe I do.

Upon request of counsel for applicant thirty days time from date hereof is granted within which to submit additional evidence in this case.

By the Commission:

- Q Your grandfather, A. Y. Haynes, had Choctaw blood you say? A Yes.
- Q How much? A One-half, or more than one-half I think.
- Q You get that fact from family history and tradition? A Yes, sir.
- Q Did he live in Mississippi or Alabama in 1830 and was the head of a family at that time? A I don't know.
- Q Did he live on land in the old Choctaw Nation in Mississippi or Alabama for five years at the end of which time he received a patent from the government? A No, sir.
- Q Did he ever hold any land or claim any land from the government in the old Choctaw Nation under article fourteen of the treaty of 1830? A No, sir.
- Q Did he go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838 or 1840? A No, sir.
- Q Did any of your Choctaw ancestors on that side of the family go to the Choctaw Nation, Indian Territory, from the old Choctaw Nation east of the Mississippi river, for the purpose of making a settlement at any time previous to this application made by you to-day? A No, sir.
- Q Did your grandfather, Haynes, go to the United States Indian Agent within six months after the ratification of the treaty of 1830 and attempt to register under article fourteen of that treaty? A I don't know.
- Q Did he go before either of the Commissions appointed in 1837 and in 1842 and claim any rights under article fourteen of the treaty of 1830? A I don't know.
- Q Did he receive any scrip from the government which entitled him to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q Do you know whether he spoke the Choctaw language or had a Choctaw Indian name? A I don't know.
- This applicant has the appearance and physical characteristics of being descended from white parentage except her hair is dark and her complexion dark; features regular. She claims Choctaw blood, and in the opinion of the Commission may have Indian blood mixed with the white blood which is clearly evident in her physical makeup. She does not speak the Choctaw

--5--

language and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. Sampson
Notary Public.

Not

M.C.R. 6384

Kuskogee, Indian Territory, April 5, 1904.

Sallic Cobb,

Ferris, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah A. Babb, et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

Sallie Cobb,

Ferris, Texas,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

SIGNED

Iano Dixby.
Chairman.

MCR-6384

Muskogee, Indian Territory, October 20, 1906.

Sallie Cobb,
Ferris, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Habb et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

No. 1
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 14 1902

Name Sallie Cobb.

Age 30 -

Bound 114

Post Office Ferris, Texas.

Father John Cobb l.

Mother Harriet " l.

Clears through ~~father~~ mother 1/2

~~CHICKEN~~

Claims for self
alone.

✓
Stenographer

A. B. Evering

A MEMORANDUM FOR THE SECRETARY

Sallie Cobb
REFUSED.

NO

ACTION APPROVED BY
SECRETARY OF INTERIOR.

AUG 22 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO THE CHIEF OF CHOCOTAW
NATION

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO THE CHIEF OF CHOCOTAW
NATION

Choctaw MCR 6385

Ida Cobb

MCR 6385

M.C.R. 6385.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. November 14, 1902.

In the matter of the application of Ida Cobb for the
identification of herself as a Mississippi Choctaw.

Appearance: J. O. Pool, attorney for applicant.

Ida Cobb, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Ida Cobb.
Q What is your age? A Twenty-two.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived in Ferris? A All my life.
Q You were born in Texas? A Raised there.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A John Cobb.
Q What is your mother's name? A Harriet Cobb.
Q Do you claim your Choctaw blood through your father or your mother?
A My great-grandfather, Jim Brookshire, and grandfather Haynes.
Q Do you claim through both your parents? A Yes, sir.
Q Have your father or mother ever been recognized in any manner or
enrolled as members of the Choctaw tribe of Indians by the Choctaw
tribal authorities in Indian Territory? A Not that I know
of.
Q You are not married? A No, sir.
Q You claim for yourself alone? A Yes, sir.
Q How much Choctaw blood do you claim? A One-fourth.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory?
A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Dawes Commission under act of Congress of June 10,
1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation
by either the Choctaw tribal authorities, the Commission to the
Five Civilized Tribes or by the United States Court in Indian Ter-
ritory? A I don't know.
Q You never have been admitted? A No, sir.
Q You now come before the Commission to be identified as a Missis-
sippi Choctaw? A Yes, sir.
Q You claim under article fourteen of the treaty of 1830? A Yes,
sir.
Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on September twenty-seventh, 1830. The object of the treaty on the part of the government was to remove, as far as practicable, all the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Indian Territory under the general provisions of the treaty, and in order to protect the interests of those who preferred to remain in the old Choctaw Nation, article fourteen was drafted and put into the treaty. It was then signed and ratified on the 24th day of February, 1831. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your Choctaw ancestors through whom you make your claim to be identified as a Mississippi Choctaw? A Jim Brookshire and A. Y. Haynes.
- Q Have any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Do you know what is the full name of A. Y. Haynes? A Andrew Young.
- Q You claim through both your father and mother do you? A My mother.
- Q These ancestors are on your mother's side? A Yes, sir.
- Q What relation is Jim Brookshire to you? A My great-grandfather.
- Q I wish you would trace the ancestry from Jim Brookshire down to yourself? Did he have a daughter or son through whom you make your claim? (No answer).
- Q What was the name of your grandmother on the side of Jim Brookshire? A Sallie Graves.
- Q Was that your mother's mother? A Yes, sir.
- Q What relation was A. Y. Haynes to your mother? A Her father.
- Q How much Choctaw blood did Jim Brookshire have? A About one-half.
- Q You don't know exactly? A No, sir.
- Q How much Choctaw blood did A. Y. Haynes have? A I don't know.
- Q Do you know he had any? A Yes, sir.
- Q But you cannot tell the quantity? A No, sir.
- Q Did Jim Brookshire or A. Y. Haynes, or any of your Choctaw ances-

- tors live in Mississippi or Alabama in 1830 and were the heads of families at that time? A I don't know if they did or not.
- Q You don't know about them being the heads of families? A No.
- Q Can you give the name of any Choctaw ancestor of yours who did live in the old Choctaw Nation in 1830 and was the head of a family there at that time? A No, sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward and try to register under article fourteen of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A No, sir.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and this application which you make to-day, for the purpose of effecting a residence? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830, or own improvements on land there in 1830 or 1831? A No, sir.
- Q You don't know whether any of them went to Colonel Ward within six months after the ratification of the treaty and told him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Then you never heard that any of them lived on land in the old Choctaw Nation for five years and then received a patent for it from the government? A I never heard.

The Choctaw Indians who stayed back in the old Choctaw Nation, refusing to go to the Indian Territory under the treaty, were required, if they wanted to take advantage of article fourteen of the treaty, to go within six months after the ratification thereof, to Colonel Ward, the Indian Agent, and tell him that they wanted to remain in the old Choctaw Nation, take land there and become citizens of the states. A good many Indians did this whose names Colonel Ward refused or neglected to put on his list known as Ward's Register. This neglect on Colonel Ward's part caused a great many of the Indians to lose their land in the old Choctaw Nation, upon which they had improvements, the government having taken both their land and improvements and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd, of that year, another Commission was appointed which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions appointed in 1837 and in 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to these Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Is Sarah E. Babb related to you? A Yes, sir.
Q What relation? A Second cousin.
Q She has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q Do you wish to have your case consolidated with her's? A Yes, sir.

The case of Sarah E. Babb, M. C. R. 6356, is here referred to for the purpose of consolidation.

- Q Have you any further evidence you want to present in support of this claim? A No, sir.

Upon request of counsel for applicant, thirty days time from date hereof is granted within which to submit additional testimony in support of this case.

This applicant has the appearance and physical characteristics of being descended from white parentage--

- Q Is Sallie Cobb, who has just made application, your sister? A Yes, sir.
Q Full sister? A Yes, sir.

--light hair, blue eyes, light complexion; her sister Sallie Cobb, who has just appeared before the Commission, is a contrast in every respect--having black hair, dark complexion; they have the same father and mother. Applicant has no knowledge of the Choctaw language, and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of the fourteenth article of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. Sawyer

Notary Public.

See X

M C R 6385

COPY.

Muskogee, Indian Territory, April 3, 1904.

Ida Cobb,

Perris, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Rabb et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

EDJ

Registered.

Commissioner in Charge.

M.C.R. 6385

Muskegee, Indian Territory, September, 26, 1904.

PPV

Ida Cobb,

Ferris, Texas,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 8th day of April, 1904.

Respectfully,

(SIGNED)

Yama Tixby.
Chairman.

MUR-6388

Muskogee, Indian Territory, October 20, 1906.

Ida Cobb,
Ferris, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

For Identification as a MISSISSIPPI CHOCTAW.

Date NOV 14 1902

Name *Ida Cobb*

Age 22 — Blood $\frac{1}{4}$

Post Office, *Ferris, Texas.*

Father *John Cobb.* l.

Mother *Harriet "* l.

Claims through mother & father

Children

*Claims for sale
alone*

Stenographer *R.R. Eisinger*

A MISSISSIPPI COURT LAW.

Edna Cobb

APPLICANT.

19

APPLICANT.

TION

ENT

Choctaw MCR 6386

Lillie Cassidy

MCR 6386

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., November 14, 1902.

In the matter of the application of Lillie Cassidy for the identification of herself and her two minor children, Gertrude, and Monroe Cassidy, as Mississippi Choctaws.

Appearance: J. O. Pool, attorney for applicant.

Lillie Cassidy, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Lillie Cassidy.
Q What is your age? A Twenty-three years.
Q What is your post office address? A Ferris, Texas.
Q Have you always lived there? A Yes, sir.
Q Were you born there? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes.
Q What is your father's name? A Dave Hardin.
Q What is your mother's name? A Clarissa Hardin.
Q You claim your Choctaw blood through whom? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Your mother is one-quarter Choctaw? A Yes, sir.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Or by the United States authorities? A No, sir.
Q Is your husband living? A Yes, sir.
Q What is his name? A John Cassidy.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No, sir.
Q You have two children for whom you wish to make application? A Yes, sir.
Q What are their names and ages? A Gertrude, age 4 years, and Monroe age 12 days.
Q You claim for yourself and these two children? A Yes, sir.
Q Is John Cassidy the father of these children? A Yes, sir.
Q Are you and he living together and are these children living with you at home? A Yes, sir.
Q Is your name or the names of either of these children on the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these children to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made such application to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you or have your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.

- Q You now come before the Commission to identify yourself and your minor children as Mississippi Choctaws? A Yes, sir.
- Q Do you make this claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty on the part of the government, was to secure the removal, so far as practicable, of the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaws refused to go to the Indian Territory under the general provisions of the treaty, and in order to protect the interests of those Choctaw Indians who remained in the old Choctaw Nation, article fourteen was drafted and put into the treaty. Article fourteen, under which you make your claim, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen under which you make your claim.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Jim Brookshire.
- Q What relation was he to you? A Great-grandfather.
- Q How much Choctaw blood did he have? A One-half.
- Q Do you know the name of his wife? A Sallie Graves.
- Q How much Choctaw blood did Sallie Graves have? A One-half.
- Q She was your great-grandmother? A Yes, sir.
- Q You claim then through Jim Brookshire and Sallie Graves? A Yes, sir.
- Q Do you know whether they lived in Mississippi or Alabama in 1830-- that is 72 years ago-- when the treaty of 1830 was made? A No, sir, I don't know.
- Q Do you know the names of any Choctaw ancestors of yours who lived in the old Choctaw Nation in either Mississippi or Alabama in 1830 and were the heads of families there at that time? A No, sir.

- Q Do you know whether Jim Brookshire or his wife lived on land which they received from the government in Mississippi and Alabama under article fourteen of the treaty of 1830 for five years, and at the end of that time received a deed or patent from the government? A No, sir.
- Q Did they own, claim or receive any land in the old Choctaw Nation either in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did they own any improvements on land in that old Choctaw Nation in 1830 or 1831? A I don't know.
- Q Did they, within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors, either Jim Brookshire, Sallie Graves, or any other Choctaw ancestor of yours, go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838 or 1840? A I don't know.
- Q Or at any other time between the date of the ratification of the treaty of 1830 and this application made by you to-day? A I don't know.
- Q Do you know how old Jim Brookshire or his wife, Sallie Graves, would be if living now? A About 100 years old.
- Q Were they born in Mississippi--either or both of them? A I don't know.
- Q Did they die in Mississippi--either or both of them? A I don't know.
- Q Did either of them speak the Choctaw language? A I don't know.

The Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified, were required, if they wanted to take advantage of article fourteen of the treaty, to go within six months after the ratification thereof, to Colonel Ward, the Indian Agent, and tell him that they wanted to register, that is, that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward refused or neglected to put on his list known as Ward's Register. This neglect on the part of the Agent caused many Choctaw Indians to lose their land in the old Choctaw Nation, upon which they had improvements, the government having taken both their lands and improvements and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions appointed in 1837 and in 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I never heard.
- Q Did you ever hear that any of them received any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their lands in the old Choctaw Nation taken from them and sold by the government.

- Q Do you speak or understand the Choctaw language? A No, sir.
Q What relation is Sarah E. Babb to you? A Aunt.
Q She has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q Do you want to have your case consolidated with her's? A Yes, sir.

The case of Sarah E. Babb, M. C. R. 6356, is here referred to for the purpose of consolidation.

- Q Have you any witnesses you want to call now? A No, sir.
Q Or any other evidence you want to present? A No, sir.

On motion of Mr. Pool, counsel for applicant, thirty days time from date hereof is granted applicant within which to submit additional testimony in support of her claim.

This applicant has the appearance and physical characteristics of being descended from white parentage; has light brown hair, brown eyes, fair complexion; she does not understand or speak the Choctaw language, and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of the fourteenth article of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. Sawyer
Notary Public.

West

M.C.R. 6386.

Muskogee, Indian Territory, April 5, 1904.

Lillie Cassidy,

Ferris, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including you and your children Gertrude Cassidy and Monroe Cassidy.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. D. Hamilton

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

COPY.

Lillie Cassidy,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of yourself, Gertrude Cassidy and Monroe Cassidy, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

James Bixby

Chairman.

MCR-6386

Muskogee, Indian Territory, October 20, 1906.

Lillie Cassidy,

South McAlester, Indian Territory.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah R. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 14 1902

Name Lillie Cassidy

Age 23 - Blood 1/8

Post Office Ferris, Texas.

Father Waver Hardin, l.

Mother Clarissa " l.

Claims through mother 1/4

Husband.

John Cassidy, l. w.

No claim for husband

Children

Gertrude Cassidy, 4

Monroe " 12d

Claims for self &
2 children

Stenographer

R. B. Brumong

R.A.D.

Lillie Cassidy et al
REFUSED

Decision

MAR 1904

NOTICE OF DECISION

APPLICANT

EXPLANATIONS.

RECORD FORWARDED DEPARTMENT
APR 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

AUG 22 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR INDIAN
AND CHICKAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

P.O. So. Western Co. 1904

Choctaw MCR 6387

Roxy Hardin

MCR 6387

#6387.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. November 14, 1902.

In the matter of the application of Roxy Hardin for the identification of herself and her two minor children, Dewey and Annis Hardin, as Mississippi Choctaws.

Appearance: J. O. Pool, attorney for applicant.

Roxy Hardin, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Roxy Hardin.
Q What is your age? A Twenty-six.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived at or near there? A I lived there about--I don't know.
Q Were you born there? A No, sir.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A In Tishomingo County.
Q How old were you when you left Mississippi? A Three years old.
Q And you went to what State? A Come to Texas.
Q And you have always lived in Texas since? A Yes.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Dave Hardin.
Q What is your mother's name? A Clarissa Hardin.
Q Do you claim your Choctaw blood through your father or your mother? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Your mother was one-quarter Choctaw? A Yes, sir, one-quarter.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q What is your husband's name? A Joe Hardin.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No, sir.
Q How many children have you for whom you wish to make application? A Two.
Q Give me their names and ages? A Dewey, 4 years old, and Annis (girl) two years old.
Q You make application for yourself and these two children? A Yes, sir.
Q Is Joe Hardin the father of these two children? A Yes, sir.
Q Were either you or your husband married before you married each other? A No, sir.
Q Are you and your husband living together and are these children living with you at home? A Yes, sir.

- Q Is your name on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or for these children to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No, sir.
- Q Is this the first application for yourself or for your children you have ever made to any authority whatever for citizenship in the Choctaw Nation? A Yes, sir.
- Q You now come before the Commission to identify yourself and these two children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A No, sir.
- Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty was to secure the removal, as far as practicable, of the Choctaw Indians, from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory, and in order to protect the interests of those Indians who preferred to remain in the old Choctaw Nation, article fourteen was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Jim Brookshire.

- Q What relation is Jim Brookshire to you? A My great-grandfather.
- Q How much Choctaw blood did Jim Brookshire have? A One-half.
- Q Do you know whether his wife had any Choctaw blood or not? A One-half.
- Q What was her name? A Sallie Graves.
- Q And she married Jim Brookshire? A Yes.
- Q Do you know whether Jim Brookshire or Sallie Graves lived in Mississippi or Alabama at any time? A No, sir.
- Q Do you know whether they lived in the old Choctaw Nation in 1830 and were the heads of families there at that time? A No, sir, I do not.
- Q Do you know whether any of your Choctaw ancestors lived in the old Choctaw Nation in 1830 and within six months after the ratification of the treaty of 1830 went to Colonel Ward and told him they wanted to stay there, take land and become citizens of the states? A No, sir.
- Q How old would either Jim Brookshire or his wife be if living now? A About 100 years old.
- Q Were either of them born in Mississippi or Alabama? A I don't know.
- Q Do you know when and where they were born? A No, sir.
- Q Do you know when and where they died? A No, sir.
- Q Did they live on land which they received from the government under article fourteen of the treaty of 1830, on which they lived for five years and at the end of that time receive a patent from the government? A No, sir.
- Q Did any of your Choctaw ancestors own improvements on land in the old Choctaw Nation in 1830 or 1831? A I don't know.
- Q Did either of them or any Choctaw ancestors of yours go from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians for the purpose of making a permanent residence there between the years 1833 and 1838 or 1840? A I don't know.
- Q Did they go at any time to the Choctaw Nation Indian Territory for that purpose previous to this application made by you to-day? A I don't know.

The Indians who stayed back in the old Choctaw Nation refusing to go to the Choctaw Nation Indian Territory, were required, if they wanted to take advantage of the fourteenth article of the treaty of 1830, to go within six months after the ratification of the treaty to the United States Indian Agent and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward refused or neglected to put on his list, known as Ward's Register. Because of this neglect a good many Choctaw Indians who had lands in the old Choctaw Nation, upon which they had improvements, lost both their lands and improvements, the government having taken both and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions appointed in 1837 and in 1842 and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of them receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued by act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had their land in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is Sarah E. Babb any relation to you? A She is my aunt.
- Q She has made application to this Commission for identification as a Mississippi Choctaw, has she not? A Yes, sir.
- Q Do you want to have your case and her's consolidated? A Yes, sir.

The case of Sarah E. Babb, M.C.R. 6356, is here referred to for the purpose of consolidation.

- Q Have you any witnesses you want to present at this time? A No, sir.

Upon request of counsel for applicant, thirty days time from date hereof is granted within which to submit further testimony in support of this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair, blue eyes, medium fair complexion; does not speak or understand the Choctaw language, and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of the fourteenth article of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. Sawyer

Notary Public.

Max

M.C.R. 6387.

Muskogee, Indian Territory, April 5, 1904.

Roxy Hardin,
Ferris, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Rabb et al., including you and your children Dewey Hardin and Annis Hardin.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

W. M. V. S. S. S.
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, September 26, 1904.

COPY.

Roxy Hardin,

Ferris, Texas,

Dear Madam:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself, Dawey Hardin and Annis Hardin, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

Tame Pinby.

Chairman.

MCR-6387

Muskogee, Indian Territory, October 20, 1906.

Roxy Hardin,
Ferris, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No.
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

NOV 14 1888

Name Roky Hordin

Age 26 -

Blood '88

Post Office Ferris, Texas.

Father Dave Hordin, l.

Mother Clarissa .. l.

Claim through mother "4

Husband

Joe Hordin l. w.

No claim for husband.

Children

Dewey Hordin. 4

Annie .. F. 2

Claims for self &
& children

Stenographer R B Ewing

Copy. Hard
REFUSED.

OFFICE OF DEPT.

APP.

FORWARDED

AT 11:5

14

MeR 6387

**ACTION APPROVED BY
SECRETARY OF INTERIOR.
AUG 22 1904**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEY GENERAL
AND CHIEF OF BUREAU OF LANDS**

RECEIVED

Choctaw MCR 6388

Tildin Hardin

MCR 6388

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. November 14, 1902.

In the matter of the application of Tildin Hardin for the identification of himself and his minor child, Forest Hardin, as Mississippi Choctaws.

Appearance: J. O. Pool, attorney for applicant.

Tildin Hardin, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Tildin Hardin.
Q What is your age? A Twenty-four.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived in Ferris? A Eleven years.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Tishomingo County.
Q From there where did you go? A To Texas.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Dave Hardin.
Q What is your mother's name? A Clarissa Hardin.
Q Through which parent do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q You claim one-quarter Choctaw for your mother? A Yes, sir.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Lillian Hardin.
Q Is she living? A Yes, sir.
Q Is she a white woman? A Yes, sir.
Q Do you make any claim for her as a Choctaw Indian? A No, sir.
Q You have one child? A Yes, sir.
Q What is its name and age? A Forest Hardin, four months old.
Q Is Lillian, your wife, the mother of Forest? A Yes, sir.
Q Were you or your wife ever married before you married each other? A No, sir.
Q When and where were you married to her? A Dallas, Texas.
Q What day of the month and year? A 1st of October, 1901.
Q By a minister under a license? A Yes, sir.
Q Have you the proof with you? A No, sir.
Q Is your name on the tribal rolls of the Choctaw Nation, Indian Territory? A No, sir.
Q Have you ever made application for citizenship for yourself or

- for your child to the Choctaw tribal authorities or to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
- Q You come before the Commission at this time to identify yourself and your minor child as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States and the Choctaw Nation at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty on the part of the government was to secure the removal, as far as practicable, of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to Indian Territory. In order to protect the interests of those Indians who preferred to stay in the old Choctaw Nation, article fourteen was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q What is the name of your ancestor through whom you are making this claim to-day? A Jim Brookshire.
- Q How much Choctaw blood did he have? A Something over one-half.
- Q You don't know just how much? A No, sir.
- Q What relation was he to you? A My great-grandfather.
- Q Do you remember the name of his wife? A Sallie Graves.
- Q That was her maiden name? A Yes, sir.
- Q How much Choctaw blood did she have? A Something over one-half.
- Q You don't know how much? A No, sir.
- Q Do you know whether she or your great-grandfather, her husband, lived in the old Choctaw Nation in 1830 and were the heads of a family there at that time? A Yes, sir, they lived there.

- Q And had children there? A Yes, sir.
- Q In Mississippi? A Yes, sir.
- Q Do you know whether they complied with article fourteen of the treaty of 1830 by going to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states? A No, sir.
- Q Do you know whether they, or any Choctaw ancestor of yours, lived on land in the old Choctaw Nation which they received from the government under article fourteen of the treaty of 1830 for a period of five years, at the end of which time they received a deed or patent from the government? A No, sir.
- Q Did any of your Choctaw ancestors own improvements on land in the old Choctaw Nation in 1830 or 1831? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time previous to this application for the purpose of making a permanent residence there? A No, sir.
- Q You don't know whether any of your Choctaw ancestors went to the Indian Agent within six months after the ratification of the treaty of 1830 and tried to register? A No, sir.
- Q Do you know how old Jim Brookshire or Sallie Graves would be if living now? A Something over 100 years old.
- Q Do you know when and where they were born or when and where they died? A No, sir.
- Q And you don't know what years they lived in Mississippi? A No, sir.
- Q Did either of them speak the Choctaw language or have a Choctaw Indian name? A I don't know for certain.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to Colonel Ward within six months after the ratification of the treaty and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states. A good many Choctaw Indians did this whose names the Agent refused or neglected to put on his list known as Ward's Register. This neglect on the part of the Agent caused a great many Choctaw Indians to lose their land in the old Choctaw Nation, upon which they had improvements, the government having taken both their land and improvements and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress, approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by act of Congress approved August 23rd of that year, another Commission was appointed which Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. A good many did go before these Commissions some of whom were accepted while others were rejected.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions appointed in 1837 and in 1842 and claim any benefits as Choctaw Indians under article fourteen of

- the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas?
- A Not that I know of.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that they had their land in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is Sarah E. Babb a relation of yours? A Yes, sir.
- Q What relation is she? A She is my aunt.
- Q She has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you want to have your case consolidated with hers? A Yes.

The case of Sarah E. Babb, M.C.R. 6356, is here referred to for the purpose of consolidation.

- Q Have you any other evidence you want to present now? A No, sir.

Upon request of counsel for applicant thirty days time from date hereof is granted within which to submit additional testimony in support of this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has light brown hair, blue eyes, light complexion; does not understand the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with the provisions of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg
Subscribed and sworn to before me this *29* day of November, 1902.

Charles H. Sawyer
Notary Public.

Met

M.C.R.6386.

Muskogee, Indian Territory, April 5, 1904.

Tildin Hardin,
Ferris Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Babb et al., including you and your child Forest Hardin,

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such argument as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, September 26, 1904.

COPY.

Tildin Hardin,

Ferris, Texas,

Dear Sir:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself and Forest Hardin, included in the consolidated case of Sarah E. Habb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

Tame Bird

Chairman.

MUR-6388

Muskogee, Indian Territory, October 20, 1906.

Tilden Hardin,
Percia, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah R. Babb et al., of which the application for the identification of yourself and child is a part.

Respectfully,

Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

NOV 14 1902

Name ^{John} Eldin Hardin

Age 27 Blood '18

Post Office Ferris, Texas.

Father. Waver Hardin, l

Mother Clara " l

Claims through Mother '14

Wife

Lillian Hardin, l. w.

No claim for wife.

Children

Forest Hardin, 4. mClaim for self &
children

Stenographer

R. B. Ewing

THE UNITED STATES OF AMERICA
A MISSISSIPPI CHOCTAW.

R.C.

Hildin Hardin et
al

DECISION BY THE
PUBLIC

APPROVED BY
SECRETARY OF INTERIOR

1880

SEP 26 1880

NOTICE OF DEEDS
FORWARDED BY

S

Choctaw MCR 6389

Robert Mitchell

MCR 6389

M.C.R. 6389.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. November 14, 1902.

In the matter of the application of Robert Mitchell for the identification of himself as a Mississippi Choctaw.

Appearance: J. O. Pool, attorney for applicant.

Robert Mitchell, being first duly sworn, testified as follows.

Examination by the Commission:

- Q What is your name? A Robert Mitchell.
Q What is your age? A 32.
Q What is your post office address? A Ferris, Texas.
Q How long have you lived there? A 13 years.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Corinth, I lived in Mississippi all my life until I came to Texas.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A George Mitchell.
Q What is the name of your mother? A Winnie Mitchell.
Q You claim your Choctaw blood through your father or mother? A My mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q You claim that your mother is one-quarter Choctaw? A Yes, sir.
Q Are you married? A No, sir.
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.
Q You claim for yourself? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No, sir.
Q This is the first application you have made to any authority whatever? A Yes, sir.
Q You now come before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes.

Q Do you understand article fourteen of that treaty? A I think I do.

Without the explanation it reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

Q What is the name of your Choctaw ancestor through whom you now claim? A Jim Brookshire.

Q How much Choctaw blood did he have? A One-half.

Q What relation was he to you? A Great-grandfather.

Q Did his wife have any Choctaw blood? A Yes.

Q What was her name? A Sallie Graves.

Q Was that her maiden name? A Yes, sir.

Q How much Choctaw blood did she have? A One-half has always been my understanding.

Q It is simply a matter of family history? A Yes, sir.

Q Did they live in Mississippi in 1830? A I think so, I am not sure.

Q You don't know if they were heads of families living there at that time? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A I don't know sir.

Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time previous to this application for the purpose of making a permanent residence there? A I don't know.

Q Did any of your Choctaw ancestors own or claim or receive any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

Q Did they receive any land in that old Choctaw Nation from the government under that article on which they lived for five years and then received a deed or patent from the government? A I don't know.

Q Did any of your Choctaw ancestors go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states?
A I don't know.

Q You don't know whether they owned any improvements on land in the old Choctaw Nation in 1830 or 1831? A No, sir.

The Choctaw Indians who stayed there in the old Choctaw Nation after the treaty was ratified, were required, if they wanted to take advantage of article fourteen of the treaty of 1830, to go within six months after the ratification of the treaty to the United States Indian Agent and tell him that they wanted to stay in the old Choctaw Nation, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward refused or neglected to put on his list, known as Ward's Register. This neglect on the part of the Indian Agent caused many of the Indians to lose their land in the old Choctaw Nation, upon which they had improvements, the government having taken both their land and improvements and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act of Congress approved March 3rd of that year, a Commission was appointed which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed which Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

Q Did any of them receive any scrip from the government which entitled them to select vacant government land in the states of Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830 and who also proved that they had their land in the old Choctaw Nation taken from them by the government and sold.

Q Do you speak or understand the Choctaw language? A No, sir.

Q What relation is Sarah E. Babb to you? A She is my aunt.

Q She has been before the Commission to make application for identification as a Mississippi Choctaw? A Yes, sir.

Q Do you want to have your case consolidated with her's? A Yes, sir.

The case of Sarah E. Babb, M.C.R. 6356 is here referred to for the purpose of consolidation.

Q Are there any further statements you want to make? A No, sir.

Q Any further testimony you want to introduce? A Not to-day.

On motion of Mr. Pool, counsel for applicant, thirty days time from date hereof is granted applicant within which to furnish additional testimony in support of this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair, blue eyes, ruddy complexion; does not understand the Choctaw language, and has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of the fourteenth article of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 14th day of November, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 29 day of November, 1902.

Charles H. Sawyer
Notary Public.

Not

M.C.R. 6389.

Muskogee, Indian Territory, April 5, 1904.

Robert Mitchell,
Ferris, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah E. Rabb et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Commissioner in Charge.

M.C.R. 6389

Muskogee, Indian Territory, September 26, 1904.

COPY

Robert Mitchell,
Ferris, Texas,

Dear Sir:

You are hereby notified that on the 22d day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for your identification as a Mississippi Choctaw, included in the consolidated case of Sarah E. Babb, et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

James E. Feltz
Chairman.

MCR-6589

Muskogee, Indian Territory, October 20, 1906.

Robert Mitchell,
Perrin, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed June 23, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of Sarah E. Babb et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

No. 6389

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date NOV 14 1902

Name Robert Mitchell

Age 32 - Blood 45

Post Office, Ferris, Texas,

Father: George Mitchell d.

Mother: Winnie " l.

Claims through mother 114

~~Children:~~

Claims for self.

Stenographer R.B. Eversong.

FOR IDE
A MISSISSIP, CHOK

Robert Mitchell
REFUSED.

DECISION RENDERED

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NO

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1904

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FORWARD

FURNISH

ENCLOSURE

**ACTION APPROVED BY
SECRETARY OF INTERIOR.
AUG 22 1904**

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

**NOTICE OF DEPARTMENTAL ACTION
FORWARD FOR RECEIPT BY CHICKASAW
AND CHICKASAW NATIONS.**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.**

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